

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 648 of 2021

Mathura Malick

....

Petitioner

Mr. B.K. Nayak, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. D. Mund, AGA

CORAM: JUSTICE V. NARASINGH

ORDER

23.03.2022

Order No.

08.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned State counsel.
3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional District & Sessions Judge-cum-Special Judge, Baliguda Dist-Kandhamal, by order dated 11.01.2021, C.T. Case No.01 of 2021, arising out of Baliguda P.S. Case No.246 of 2020, the present BLAPL has been filed. Petitioner is in custody since 31.12.2020.
4. It is alleged that from the house of the petitioner contraband to the tune of 22.700 gms of ganja was recovered. It is stated by the learned counsel for the petitioner that he had no

clue regarding the contraband and he has been falsely implicated when he was coming out of his house.

5. Learned counsel for the State referring to the contents of the case diary urges that in the facts of the present case the involvement of the petitioner is glaring and hence in view of the bar under Section 37 of the NDPS Act, the petitioner is not entitled to any relief.

6. Taking into account the manner in which the seizure has been affected, this Court is of the considered opinion that it cannot be said with certainty that the petitioner is in exclusive conclusion possession of contraband and also taking into account that the petitioner is in custody since 31.12.2020 and that trial has not commenced, this Court directs the release of the petitioner on bail, on terms to be fixed by the Court in seisin of the matter.

7 Accordingly the present BLAPL stands disposed of.

8. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge

Santoshi