

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 739 of 2021

Prasana Rana @ Prasna Rana

Petitioner

Mr. A.R. Panda, Advocate

-versus-

State of Odisha

Opposite Party

Ms. S. Mishra, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

21.03.2022

Order No.

07.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned State counsel.
3. The petitioner is an accused in C.T. Case No.06 of 2021, on the files of learned District & Sessions Judge-cum-Special Judge, Phulbani, arising out of Gochhapada P.S. Case No.03 of 2021, under Sections 20(b)(ii)C of NDPS and is in custody since 09.01.2021.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge-cum-Special Judge, Phulbani, by order dated 20.01.2021, in C.T. Case No.06 of 2021, arising out of Gochhapada P.S. Case No.03 of 2021, the present BLAPL has been filed.

5. Learned counsel for the petitioner submits that the accusation against him is for transporting 22 k.gs of contraband. It is stated with vehemence that the error of weighment in the case at hand cannot be ruled out.

6. It is further submitted by the petitioner that he has no Criminal Proclivity and as he is in custody since 09.01.2021 and trial has not commenced, his further detention is not justified in the factual matrix of the case at hand.

7. Learned counsel for the State opposes such prayer pressing into service, the bar under Section 37 of the NDPS Act.

8. On the conceptus of materials on record, taking into account the quantity of contraband seized and the circumstances of such seizure exclusive conscious possession cannot be attributed to the petitioner and taking into account the bail of detention this Court directs that the petitioner shall be released on bail. The learned Court below in seisin of the matter to fix the terms.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi