

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No. 796 OF 2021

Manoj Ghadei

..... ***Petitioner***
Mr. S.K.Jena, Adv.

-versus-

State of Odisha

..... ***Opposite Party***
Mr. K.K.Gayha, ASC

CORAM:
JUSTICE V. NARASINGH

ORDER
07.04.2022

Order No.
08.

1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel for the parties.
3. The Petitioner is an accused in connection with Baliguda P.S. Case No. 140 of 2020 corresponding to C.T. Case No.39 of 2020 on the file of learned Additional District & Sessions Judge-cum-Special Judge, Baliguda, registered for the alleged commission of offence under Sections 20(b)(ii)(C)/25/29 of the NDPS Act. The petitioner is in custody since 15.08.2020
4. 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 by order dated 27.08.2020, the present BLAPL has been filed.
5. It is stated by the learned counsel for the petitioner that he is the driver of the vehicle from which contraband was seized since as a driver he has no control over the material being carried

in the vehicle, he is a victim of circumstances and it is further submitted that the owner of the vehicle has already been released on bail by this Court by order dated 30.09.2021 in BLAPL No. 7275. Hence on the ground of parity the petitioner seeks indulgence of the Court.

6. Learned counsel for the State on the basis of recitals in the case diary submits that the petitioner is not similarly circumstanced with the accused who has been granted bail as stated above.

7. Taking into account the period of custody and that trial has not been commenced and from the manner of seizure that conscious exclusive possession cannot be readily attributed to the petitioner so as to attract the bar under Section 37 of the NDPS Act, this Court directs that the petitioner to be released on bail on such terms to be fixed by the court in seisin over the matter including that the Petitioner shall appear in person before the court in seisin of the case on each date of posting of the case till conclusion of the trial.

9. Accordingly, the BLAPL stands disposed of.

10. Issue urgent certified copy of this order as per Rules.

(V.Narasingh)
Judge

Dhal