

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No. 837 OF 2021**

***Madan Paika***

***..... Petitioner  
Mr. Manoranjan Padhy, Adv.***

***-versus-***

***State of Orissa***

***..... Opposite Party  
Miss S. Mishra, ASC***

**CORAM:  
JUSTICE V. NARASINGH**

**ORDER  
21.03.2022**

**Order No.**

**11.**

1. This matter is taken up through Hybrid Mode.
2. The petitioner is an accused in T.R. Case No. 04 of 2021 on the file of the Learned District & Sessions Judge-cum-Special Judge, Korapur, at Jeypore, arising out of Baipariguda P.S. Case No. 11 of 2021, for commission of alleged offence under Sections-20(b)(ii)(C) of N.D.P.C., Act and is in custody since 14.01.2021.
3. Being aggrieved by the order dtd. 21.01.2021 passed by the Learned Sessions Judge-cum-Special Judge, Korapur at Jeypore in T.R. No. 04 of 2021, rejecting the bail application of the petitioner, the present BLAPL has been filed.
3. Heard Mr. Manoranjan Padhy, learned counsel for the petitioner and Miss Sanjibani Mishra, learned Additional Standing Counsel for the State.

4. It is stated by the learned counsel for the petitioner that from the manner of the seizure of the contraband, it cannot be said that the petitioner is in exclusive conscious possession.

5. Per contra, the learned counsel for the State rebuts such submission and submits that in view of the bar under Section-37 of the NDPS Act, it is not open to the Court to examine the contention of the petitioner relating to possession as advanced.

6. Taking into account the quantity of contraband seized and the period of detention since 14.01.2021, this Court is of the considered view that exclusive conscious possession cannot be attributed to the petitioner. It is directed that the petitioner shall be released on bail on such terms to be fixed by the learned Court in seisin of the matter, including the condition that the petitioner shall appear before the concerned Police Station once in every month till conclusion of the Trial.

7. This order shall not be cited as a precedent vis-à-vis the other co-accused persons.

8. The Bail Application thus stands disposed of.

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

*Balaram*

*( V.Narasingh )  
Judge*