

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 1277 of 2021

Prabin Mandal

....

Petitioner

Mr. R.L. Pattnaik, Advocate

-versus-

State of Odisha

....

Opposite Party

Ms. S. Mishra, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

11.05.2022

Order No.

07.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner is an accused in Special T.R. Case No.90 of 2020, on the files of learned Sessions Judge-cum-Special Judge, Malkangiri, arising out of Motu P.S. Case No.59 of 2020, under Sections 20(b)(ii)(c) of the NDPS Act and is in custody since 01.09.2020.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Court of the Sessions Judge-cum-Special Judge, Malkangiri, by order dated 03.09.2020 in the aforementioned case, the present BLAPL has been filed.

5. Learned counsel for the petitioner submits that conscious possession of the entire contraband cannot be attributed to him, since seizure is to the tune of 35 kgs from him. And, as such prays that the petitioner is entitled to be enlarged on bail inter alia on the ground that accused persons similarly circumstanced, have already been released by this Court by order dated 30.03.2022 in BLAPL No.2210 of 2021 and order dated 18.04.2022 in BLAPL No.2313 of 2021.

6. Learned counsel for the State refutes the same stating inter alia that there is no separate seizure and at this stage it is not possible to bifurcate the total quantity and in view of the bar under Section-37 of the NDPS Act, the petitioner's BLAPL deserves to be dismissed.

7. Considering the nature of allegations and the manner of seizure and the release of co-accused, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin over the matter.

8. Accordingly, the BLAPL stand disposed of.

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

(V. NARASINGH)
Judge

Santoshi