

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 1350 of 2021

Bachan Sahani

....

Petitioner

Mr. Suryakanta Dwibedi, Advocate

-versus-

State of Odisha

....

Opposite Party

Ms. S. Mishra, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
09.05.2022

Order No.

10.

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 C.T. Case No.12 of 2021, on the files of learned Special Judge, Phulbani, arising out of Phiringa P.S. Case No.13 of 2021, under Sections 20(b)(ii)(c)/25/29 of the N.D.P.S. Act and is in custody since 30.01.2021.
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, Phulbani, by order dated 08.02.2021 in the aforementioned case, the present BLAPL has been filed.
5. Learned counsel for the petitioner submits that he was the passenger in the Auto hence conscious exclusive possession cannot be attributed to him. It is also further submitted that by the order of this Court dated 25.04.2022 in BLAPL No.1342 of 2021 co-accused has already been released on bail.

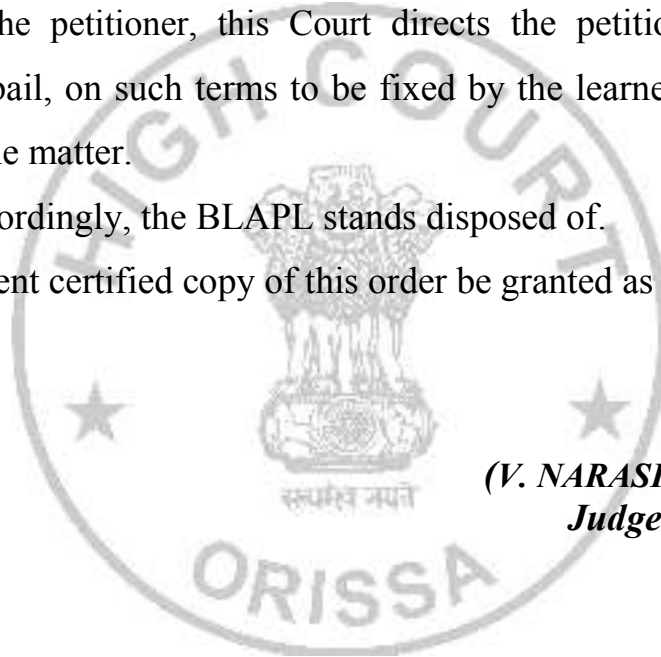
6. Learned counsel for the State relying on the statutory bar under Section 37 of the NDPS Act submits that from nature of the seizure and the role ascribed to the petitioner, plea of innocence as advanced cannot be taken into consideration at this stage and the bail application is liable to be rejected.

7. On perusal of materials on record, it is seen that the petitioner was released on interim bail and he has not misused the trust reposed in him.

8. Taking into account the release of the co-accused and the conduct of the petitioner, 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.

9. Accordingly, the BLAPL stands disposed of.

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



(V. NARASINGH)
Judge

Santoshi