

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 1360 OF 2021

Arjuna Majhi

..... *Petitioner*
Mr. S.K. Barad, Advocate

-versus-

State of Odisha

..... *Opposite Party*
Mr. A.Pradhan, ASC

CORAM:
JUSTICE V. NARASINGH

ORDER
28.06.2022

Order No.

07.

1. This matter is taken up through Hybrid Mode.
2. The petitioner is an accused in connection with T.R Case No. 18 of 2021 arising out of Padmapur P.S. No. 09 of 2021, pending on the file of the learned Additional Sessions Judge-cum-Special Judge, Gunupur for the alleged commission of offence under Sections-20(b)(ii)(C) of the N.D.P.S., Act. The petitioner is in custody since 21.01.2021.
3. Being aggrieved by the rejection of his application for bail U/s. 439 Cr.P.C. by the learned Additional Sessions Judge-cum-Special Judge, Gunupur by Order dtd. 10.02.2021 in T.R Case No. 18 of 2021, the present BLAPL has been filed.
4. Heard learned counsel for the petitioner and learned Counsel for the State.
5. Learned counsel for the petitioner places reliance on the statement of the independent witnesses namely Rabi Narayan

Acharjya and Laxman Kraska and submits that from the manner of seizure it cannot be stated with certainty that the petitioner had conscious and exclusive possession of the contraband.

6. Learned counsel for the State on the other hand relying on the materials on record and the statutory prohibition contained under Section-37 of the N.D.P.S. Act opposes the prayer for bail.

7. Considering the manner of seizure, the period of custody and keeping in view the trial has not commenced, this Court directs that the petitioner to be released on bail. The learned Court in seisin over the matter to fix the terms.

8. The Bail Application thus stands disposed of.

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

Balaram

*(V.Narasingh)
Judge*