

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 1440 of 2021

Bikunu Digal

....

Petitioner

Mr. A.R. Panda, Advocate

-versus-

State of Odisha

....

Opposite Party

Ms. S. Mishra, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

21.03.2022

Order No.

07.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned State counsel.
3. The petitioner is an accused in 2(a)CC Case No.05 of 2021, on the files of learned District & Sessions Judge-cum-Special Judge, Phulbani, arising out of Phulbani Excise P.R. No.18 of 2021, under Sections 20(b)(ii)(c) of NDPS Act and is in custody since 07.02.2021.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Court of Sessions Judge-cum-Special Judge, Phulbani, by order dated 15.02.2021 in 2(a)CC Case No.05 of 2021, arising out of Rambha Phulbani Excise P.R. No.18 of 201, the present BLAPL has been filed.

5. It is stated by the learned counsel for the petitioner that the vehicle stands in the name of Primeover Mobility Technologies Private Limited-SY and the same was booked by one Papun Digal through their official App. “REVV CAR” and it is urged with vehemence that on the fateful day, petitioner was only driving the vehicle without any consciousness of contraband article being carried in the vehicle.

6. The learned counsel for the State on the basis of recitals in the Case Diary states that the materials on record clearly point to the complicity of the petitioner and in view of the Bar under Section 37 of the NDPS Act is not entitled for any relief.

7. Taking into account the statement of Srikanth Kumar Dash employee of owner of the vehicle that is the Primeover Mobility Technologies Private Limited-SY, this Court is of the considered opinion that it cannot be said that the petitioner is in conscious possession of the seized contraband.

8. Hence on a conceptus of materials on record, taking into account the period of detention i.e. from 06.12.2021 and being cognizant of the fact that the trial has not commenced this court directs the petitioner to be released on bail on such terms to be fixed by the Court in seisin of the matter including that he shall appear before the concerned Police Station once every month till the completion of the trial.

9. Accordingly, the BLAPL is disposed of.

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

(V. NARASINGH)
Judge

Santoshi

