

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No. 1626 OF 2021

Naga Appa Rao

..... *Petitioner*
Mr. M.Kanungo, Sr. Adv.

-versus-

State of Odisha

..... *Opposite Party*
Mr. K.K.Gaya, ASC

CORAM:
JUSTICE V. NARASINGH

ORDER
04.04.2022

Order No.
07.

1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel for the parties.
3. At the outset learned counsel for the petitioner seeks permission to correct the cause title as well as the prayer portion relating to the description of the Police Station in question.
4. He is permitted to do so in Court.
5. The Petitioner is an accused in T.R. No. 32 of 2020 corresponding to Rourkela GRPS Case No. 13 of 2020 on the file of learned District and Sessions Judge, Rayagada, under Sections 20(b)(ii)(C) of NDPS Act, and is in custody since 20.12.2020.
6. Being aggrieved by the rejection of his application for bail U/s 439 Cr.P.C. by the learned District and Sessions Judge, Rayagada by order dated 18.02.2021, the present BLAPL has been filed.

7. Learned counsel for the Petitioner submits that conscious exclusive possession cannot be attributed to him in view of the manner of seizure. He further submits that the Petitioner has no criminal proclivity.

8. Learned counsel for the State rebuts such submission and opposes the prayer for bail.

9. Considering the submission of the parties and taking into account the manner of the seizure, it cannot be said with certainty that conscious exclusive possession can be readily attributable to the Petitioner.

10. Taking into account that the petitioner is in custody since 20.12.2020 and that the trial has not been commenced, this Court directs that the Petitioner to be released on bail on such terms to be fixed by the Court in seisin of the matter including that the Petitioner shall attend on each date of trial.

11. Accordingly, the BLAPL is disposed of.

12. Issue urgent certified copy of this order as per rules.

(V.Narasingh)
Judge

Dhal