

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 1793 of 2021

Manoj Kuldeep

....

Petitioner

M/s. R.L. Pattnaik, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
08.04.2022

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 2(a) CC Case No.13 of 2021, on the files of learned Sessions Judge-cum-Special Judge, Malkangiri, arising out of P.R. Case No.101 of 2020-21, under Sections 20(b)(ii)(c) of the NDPS Act and is in custody since 23.02.2021.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge-cum-Special Judge, Malkangiri, by order dated 24.02.2021 in the aforementioned case, the present BLAPL has been filed.

5. It is submitted by the learned counsel for the petitioner that petitioner was a passenger travelling in a Auto Rickshaw from which the contraband was recovered and that he had no inkling that the bag kept in the Auto contained the contraband and as such it is pleaded that he is a victim of the circumstances.

6. Per contra learned counsel for the State opposes the bail in view of the bar under Section 37 of the NDPS Act.

7. Taking into account the manner in which seizure has been affected, the period of custody and the quantity of ganja seized and that the petitioner has no criminal antecedents as stated by the learned counsel for the petitioner, this Court directs the petitioner to be released on bail on such terms to be fixed by the Court in seisin of the matter.

8. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi