

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 1817 OF 2021

Alok Gouda

..... *Petitioner*
Mr. Rajib Lochan Pattnaik, Adv.

State of Odisha

-versus-

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

CORAM:
JUSTICE V. NARASINGH

ORDER
22.03.2022

Order No.

06.

1. This matter is taken up through Hybrid Mode.
2. The petitioner is an accused in connection with Special T.R. Case No. 116 of 2020 corresponding to Balimela Excise Station P.R. No. 50 of 2020-21, pending on the file of the learned Sessions Judge-Cum-Special Judge, Malkangiri, for the alleged commission of offence under Sections-20(b)(ii)(C) of the N.D.P.S. Act and is in custody since 29.09.2020.
3. 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 dtd. 30.09.2020 in T.R. No. 116 of 2020, the present BLAPL has been filed.

4. Heard Mr. Rajib Lochan Pattnaik, learned counsel for the petitioner and Mr. K.K. Gaya, learned Additional Standing Counsel for the State.

5. It is stated by the learned counsel for the petitioner that the contraband 'Ganja' was being carried by the pillion rider and no knowledge can be attributed to him since he naively gave him lift and has become a victim of the circumstances.

6. Learned Counsel for the State referring to the manner in which the contraband 'Ganja' was being carried has asserted that the contention of the learned petitioner that he is ignorant about the contraband being carried have no legs to stand and in view of the bar under Section-37 of the N.D.P.S Act, the case at hand does not merits consideration of this Court .

7. Taking into account the manner in which the seizure has been affected, it cannot be said with absolute certainty that the conscious possession can be attributed to the petitioner.

8. Keeping in view the period of detention and also the age of the petitioner, this Court directs that the petitioner shall be released on bail on such terms to be fixed by the Court in seisin of the matter.

7. The Bail Application thus stands disposed of.

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

(V.Narasingh)
Judge

Balaram