

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 3243 of 2022

Sanjit Digal

....

Petitioner

Mr. S.R. Mohapatra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
26.07.2022

Order No.

02.

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 C.T. Case No.59 of 2021, on the files of learned District & Sessions Judge-cum-Special Judge, Phulbani, arising out of Phiringia P.S. Case No.99 of 2021, under Sections 20(b)(ii)(C), 29 and 25 of the NDPS Act and is in custody since 02.03.2022.
4. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned District & Sessions Judge-cum-Special Judge, Phulbani by order dated 09.03.2022 in the aforementioned case, the present BLAPL has been filed.

5. Learned counsel for the petitioner states that the sole basis of implication is recovery of a driving licence of the petitioner in the vehicle which was carrying contraband to the tune of 32kg. 300 gms. It is submitted with vehemence by the learned counsel for the petitioner that from the nature of the accusation conscious exclusive possession cannot be attributed to him.

6. Learned counsel for the State opposes the prayer for bail and submits that since the contraband is beyond the commercial quantity in view of the bar under Section 37 of the NDPS Act, the petitioner is not entitled to be released on bail and it is also submitted that there is no plausible explanation as to why D.L. of the petitioner was found on the vehicle carrying the contraband.

7. On a conspectus of materials on record, taking into the nature of accusation and the period of custody and the factum of filing of charge sheet, this Court directs the petitioner to be released on bail, on such terms to be fixed by the learned Court in seisin over 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