

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 2628 OF 2021

Biswanath Pangi

..... ***Petitioner***
Mr. S.K. Rout, Advocate

-versus-

State of Odisha

..... ***Opposite Party***
Mr. S. Mishra, ASC

CORAM:
JUSTICE V. NARASINGH

ORDER
25.03.2022

Order No.
09.

1. This matter is taken up through Hybrid Mode.
2. The petitioner is an accused in connection with T.R. Case No. 61 of 2020 corresponding to Machhakund P.S. Case No. 96 of 2020, pending on the file of the learned Addl. District & Sessions Judge-Cum-Special Judge, Koraput, for the alleged commission of offence under Sections-20(b)(ii)(C)/25/29 of the N.D.P.S. Act and is in custody since 03.10.2020.
3. Being aggrieved by the rejection of his application for bail U/s. 439 Cr.P.C. by the learned Addl. District & Sessions Judge-Cum-Special Judge, Koraput by Order dtd. 18.03.2021, the present BLAPL has been filed.

4. Heard Mr. S.K. Rout, learned counsel for the petitioner and Miss S. Mishra, learned Additional Standing Counsel for the State.

5. Perused the report received from the Learned Additional Sessions Judge-Cum-Special Judge, Koraput in Seisin of the matter indicating that the case is at the stage of framing of charge.

6. It is stated by the learned counsel for the petitioner that, the petitioner is a young boy of 22 years old, he is earning his livelihood as a driver and on the date of the interception of the vehicle the persons, who are responsible for the contraband ran away and since he is a driver, he bonafidely stopped the victim. It is further stated that as such he is a victim of the circumstance and no criminality can be attributed to him.

7. Learned counsel for the State submits that, taking into account the quantity of Ganja seized, the case at hand does not merit consideration of this Court in view of the bar under Section-37 of the N.D.P.S. Act.

8. This Court is of the considered opinion that from the manner of seizure it cannot be stated with certainty with the petitioner-accused was in exclusive conscious possession of the contraband.

9. Taking into account the age of the petitioner and considering the report of the learned Additional Sessions Judge, that the case at the stage of framing of charge and keeping in view the period of detention, this Court directs to release of the petitioner in connection with T.R. Case No. 61 of 2020 corresponding to Machhakund P.S. Case No. 96 of 2020, pending on the file of the learned Addl. District & Sessions Judge-Cum-Special Judge, Koraput, on such terms to be fixed by the learned Court in seisin of the matter.

10. The Bail Application thus stands disposed of.

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

Balaram

(V.Narasingh)
Judge

