

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 3543 of 2022

Basudeba Banua

....

Petitioner

M/s. S. Dwibedi, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

02.08.2022

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.14 of 2022, on the files of learned Special Judge, Balliguda, arising out of K.Nuagaon P.S. Case No.25 of 2022, offences under Section 20(b)(ii)(C) of the NDPS Act and is in custody since 14.03.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Special Judge-cum-A.D.J. Balliguda, Dist-Kandhamal, by order dated 22.03.2022 in the aforementioned case, the present BLAPL has been filed.
5. Learned counsel for the petitioner submits that in the meanwhile charge sheet has already been submitted and it is stated that the co-accused have been granted anticipatory bail by this Court by order dated 13.06.2022 in ABLAPL No.5758 of 2022. Keeping in view the nature of the allegations and the manner in which the seizure has been done conscious exclusive possession

cannot be readily attributed to the petitioner. Hence it is submitted that the petitioner is entitled to be released on bail.

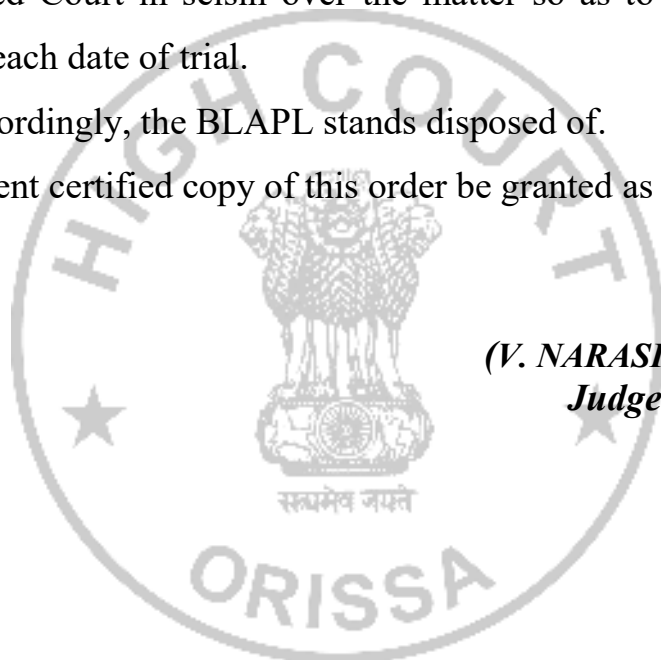
6. Learned counsel for the State opposes the prayer inter alia relying on Section 37 of the NDPS Act and it is also stated that the petitioner is not similarly circumstanced with the person who has been granted benefit of anticipatory bail.

7. Keeping in view the filing of charge sheet and the manner of the accusations in which vis-à-vis the petitioner, 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 so as to ensure his presence on each date of trial.

8. Accordingly, the BLAPL stands disposed of.

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

Santoshi



(V. NARASINGH)
Judge