

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3555 of 2022

Gopal Rout

....

Petitioner

Mr. A. P. Bose
Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P. Tripathy
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

17.5.2022.

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the Petitioner and learned Addl. Standing Counsel for the State.
3. The Petitioner is in custody since 5th April, 2022 in connection with Sonapur P.S. Case No.225/2019 corresponding to Special G.R. Case No.7(A) of 2019 pending in the court of learned Special Judge-cum-Sessions Judge, Sonapur for the alleged commission of the offence under Sections 20(b) (ii)(C) of N.D.P.S. Act.

4. F.I.R. was lodged against two persons on the allegation that they were carrying contraband ganja weighing 33 Kgs. 250 grams. On their confession before the Police, the Petitioner was roped in being the owner of the vehicle. There is no other material against the Petitioner save and except the statement of the co-accused.

5. Considering the above facts and in particular the fact that nothing was seized from the exclusive and conscious possession of the Petitioner, it is apparent that the bar under Section 37 of the Evidence Act would not apply. As such, I am inclined to allow the prayer for bail. Let the Petitioner be released on bail on such terms and conditions as may be imposed by the court in seisin over the matter in the aforesaid case including the condition that he shall appear before the court below on each date of posting of the case and in case of even a single default, the said court shall pass appropriate orders to take him to custody again.

6. The BLAPL is disposed of.

7. Urgent certified copy of this order be granted on proper application.

AKB

(Sashikanta Mishra)
Judge

