

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No. 3057 OF 2021

Iria Adkatia

..... *Petitioner*
Mr. B.K.Ragada, Adv.

-versus-

State of Odisha

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

CORAM:
JUSTICE V. NARASINGH

ORDER
07.04.2022

Order No.
06.

1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel for the parties.
3. The Petitioner is an accused in connection with Kodinga P.S. Case No. 23 of 2021 corresponding to T.R. Case No. 10 of 2021 on the file of learned Sessions Judge-cum-Special Judge, Nabarangpur, registered for the alleged commission of offence under Sections 20(b)(ii)(C)/29 of the NDPS Act. The petitioner is in custody since 8.02.2021
4. Being aggrieved by the rejection of his application for bail U/s 439 Cr.P.C. by the learned Sessions Judge-cum-Special Judge, Nabarangpur by order dated 22.02.2021, the present BLAPL has been filed.
5. It is stated by the learned counsel for the petitioner that he is a driver of the vehicle from which contraband was seized. There are materials on record to indicate that the contraband was

being transported at the instance of one Md. Subedar, who has been cited as accused No.2. It is submitted by the learned counsel for the petitioner that as a driver he had no control over the goods being discharged in his vehicle and as such conscious exclusive possession cannot be attributed so as to attract the bar under Section 37 of the NDPLS Act.

6. Learned counsel for the State opposing the prayer for bail submits that since the quantity recovered is more than the permissible limit, the grounds as urged by the learned counsel for the petitioner cannot be taken into account by the Court at this stage and prays for rejection of the bail application.

7. Taking into account that the petitioner is a driver and he is in custody since 8.02.2021 and the materials on record to show that the contraband was transported at the instance of Md. Subedar, this Court directs that the petitioner be released on bail on such terms to be fixed by the court in seisin of the matter including that the Petitioner shall appear in person before the jurisdiction Police Station once every month till completion of trial. The date of which shall be fixed by the learned court below.

9. Accordingly, the BLAPL stands disposed of.

10. Issue urgent certified copy of this order as per Rules.

(V.Narasimha)
Judge

Dhal