

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 3144 of 2021

Vivekananda Mohanty

....

Petitioner

Mr. A. Das, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

30.03.2022

Order No.

06.

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 Spl. G.R. Case No.02 of 2021, on the files of learned 1st Additional Sessions Judge-cum-Special Judge, Rourkela, arising out of Rourkela Plant site P.S. Case No.109 of 2021, U/s.20(b)(ii)(c) of N.D.P.S Act and he is in custody since long.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned 1st Additional Sessions Judge-cum-Special Judge, Rourkela, by order dated 06.04.2021 in the aforementioned case, the present BLAPL has been filed.

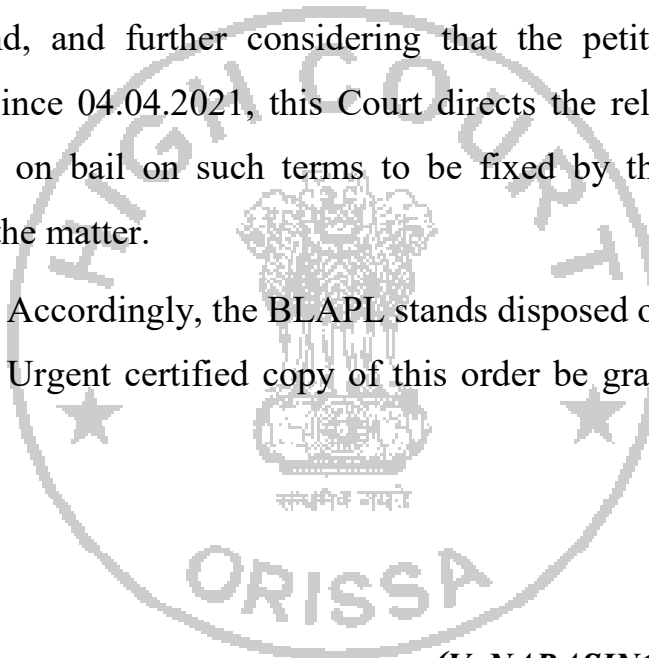
5. Learned counsel for the petitioner states that the manner in which seizure has been effected conscious possession of contraband cannot be attributed to the petitioner.

6. Refuting such submission learned counsel for the State seeks dismissal of the BLAPL on account of bar under Section 37 of the NDPS Act.

7. Considering such submissions and taking into account the submission that it cannot be said with certainty that the petitioner is in exclusive conscious possession of the seized contraband, and further considering that the petitioner is in custody since 04.04.2021, this Court directs the release of the petitioner on bail on such terms to be fixed by the Court in seisin of 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