

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 3193 of 2021

Dillip Kumar Bhoi

....

Petitioner

Mr. P.K. Sahoo, Advocate

-versus-

State of Odisha

....

Opposite Party

Ms. S. Mishra, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

12.04.2022

Order No.

06.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Additional Standing counsel for the State.
3. The petitioner is an accused in T.R. Case No.19 of 2021, on the files of learned Additional Sessions Judge, Koraput, arising out of Sunabeda P.S. Case No.20 of 2021, under Sections 20(b)(ii)(c) of the NDPS Act and is in custody since 04.02.2021.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Koraput, by order dated 07.04.2021 in the aforementioned case, the present BLAPL has been filed.
5. Learned counsel for the petitioner submits he was an occupant in a Bolero bearing registration No.-OR-08E-7300 and admittedly as per the FIR the net weight of ganja recovered from the

Bolero is 45 k.gs and contraband to the tune of 117 k.gs was recovered from Eicher bearing Registration No.-OD-02A-3954.

6. It is submitted by the learned counsel for the petitioner that he had hired the vehicle on some urgent work and no inkling that contraband was carried in this vehicle and he was a victim of the circumstance and stating that he is a respectable public representative of the area in as much as at the time of the occurrence he was the Sarapanch and he has no criminal antecedents, seeks to be released on bail.

7. It is stated that the circumstances in which he has been implicated and the manner of seizure the bar under Section 37 of the NDPS Act does not come into play so far as he is concerned.

8. Learned counsel for the State rebuts such submissions and submits that since the seizure is of 162 k.gs as reveals from the FIR, at this stage it is not permissible for the Court to segregate seizure as claimed.

9. Taking into account the manner of seizure, conscious exclusive possession cannot be attributed to the petitioner so as to attract the bar under Section 37 of the NDPS Act.

10. Taking into account the period of custody and that trial has not commenced and the background of the offence, this Court directs the petitioner to be released on bail on such terms to be fixed by the Court in seisin over the matter.

11. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi