

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 3574 OF 2021

Pradeep Kumar Altia

***..... Petitioner
Mr. N.K. Lenka, Adv.***

-versus-

State of Odisha

***..... Opposite Party
Miss S. Mishra, ASC***

**CORAM:
JUSTICE V. NARASINGH**

**ORDER
05.04.2022**

Order No.
05.

1. This matter is taken up through Hybrid Mode.
2. The petitioner is an accused in connection with 2(a) C.C. Case No. 05 of 2021 on the file of the Learned Special Judge-cum-Additional District & Sessions Judge, Baliguda, Kandhamal, arising out of G. Udayagiri Excise P.R. No. 43 of 2021, for commission of alleged offence under Sections-20(b)(ii)(C) of N.D.P.C., Act and is in custody since 28.03.2021.
3. Being aggrieved by the order dtd. 15.04.2021 passed by the Learned Special Judge-cum-Additional District & Sessions Judge, Baliguda, Kandhamal in 2(a) C.C. Case No. 05 of 2021, rejecting the bail application of the petitioner, the present BLAPL has been filed.
4. Heard Mr. N.K. Lenka, learned counsel for the petitioner and Miss S. Mishra, learned Additional Standing Counsel for the State.

5. Learned counsel for the petitioner submits that the petitioner is a driver of the vehicle from which the contraband has been seized and he had no knowledge that the same is being recovered from the boot of the vehicle and as such conscious exclusive possession can be readily attributed to him.

It is further submitted that though he is in custody since 28.03.2021, yet trial has not commenced.

6. It is submitted at the Bar that the petitioner has no criminal proclivity.

7. Learned counsel for the State opposing such move submits that, since the petitioner is found to be in conscious possession, in view of the bar under Section-37 of the NDPS Act, the case at hand does not merit consideration.

8. On a conspectus of materials on record, taking into account the period of detention and that trial has not commenced, this court directs the petitioner to be released on bail, on such terms to be fixed by the learned Court in seisin of the matter including the condition that; he shall appear in person before the jurisdictional Police Station once every month. The date of such first appearance to be fixed by the learned Court below.

9. The Bail Application thus stands disposed of.

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