

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 3727 of 2021

Babula Phalam

....

Petitioner

Mr. R.L. Pattnaik, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. S.N. Pattnaik, AGA

CORAM: JUSTICE V. NARASINGH

ORDER

28.06.2022

Order No.

09.

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 Special G.R. Case No.39 of 2021, on the files of learned Sessions Judge-cum-Special Judge, Malkangiri, in the District of Malkangiri, arising out of Mathili P.S. Case No.43 of 2021, under Sections 20(b)(ii)(c) of the NDPS Act and is in custody since 12.03.2021.
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, Malkangiri, in the District of Malkangiri, by order dated 15.03.2021 in the aforementioned case, the present BLAPL has been filed.

5. Learned counsel for the petitioner submits that even accepting the case of the prosecution, there has been separate seizure from the Bike vide Ext.25 to the tune of 34.5 kgs. of contraband. It is submitted that the manner in which the seizure has been affected, exclusive possession cannot be attributed to the petitioner.

6. Learned counsel for the State opposes the prayer for bail.

7. Considering the seizure is beyond commercial quantity this Court is not inclined to entertain the bail application of the present petitioner.

8. It is submitted that the mother of the petitioner is ill. It is open for the petitioner to move the learned trial Court seeking appropriate relief on account of illness of his mother.

9. The BLAPL is accordingly disposed of.

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

(V. NARASINGH)
Judge

Santoshi