

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 4104 OF 2021

Sindiri Ramu & Ors.

***..... Petitioners
Mr. Manoranjan Padhy, Advocate
for Petitioner No.1,2 & 4 &
Mr. Somanath Mitra, Advocate for
Petitioner No.3.***

-versus-

State of Orissa

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

**CORAM:
JUSTICE V. NARASINGH**

**ORDER
19.04.2022**

**Order No.
07.**

1. This matter is taken up through Hybrid Mode.
2. Learned counsel for the petitioners does not want to press this application for bail so far as Petitioner No.1-Sri Sindiri Ramu is concerned.
3. Accordingly, the BLAPL of Petitioner No. 1- Sri Sindiri Ramu is dismissed as not pressed.
4. The petitioners are accused in 2(a) C.C. No. 26 of 2021 on the file of the Learned Sessions Judge-cum-Special Judge, Cuttack, arising out of P.R. No. 13 of 2021-22, for commission of alleged offence under Sections-20(b)(ii)(C) of N.D.P.C., Act and are in custody since 15.04.2021.

5. Being aggrieved by the order dtd. 17.05.2021 passed by the Learned Sessions Judge-cum-Special Judge, Cuttack in 2(a)C.C. No. 26 of 2021, rejecting the bail application of the petitioners, the present BLAPL has been filed.

6. Heard Mr. M. Padhy, learned counsel for the petitioners Nos. 2 and 4 and Mr. S. Mitra, learned counsel for petitioner No.3 and Mr. K.K. Gaya, learned Additional Standing Counsel for the State.

7. Mr. S. Mitra has appeared by virtue of prisoner's petition at Flag-F.

8. Learned counsel for the petitioners submits that, from the manner in which the seizure have been effected conscious exclusive possession cannot be attributed to them. It is also submitted that the narration in the F.I.R. in the given facts is highly improbable and the petitioners have been wrongly roped in.

9. It is also stated that though the trial has commenced the independent witness has not supported the prosecution. Hence it is prayed that the petitioners are entitled to be released on bail, since they are in custody 15.04.2021.

10. Learned counsel for the State on the other hand submits that from the manner of the seizure, conscious exclusive possession is established beyond iota of doubt and in view of the

Bar contained under Section-37 of the NDPS Act. The bail application is liable to be rejected.

11. Taking into account, the submission of the learned counsel for the petitioner that the independent witness has not supported the prosecution and the period of custody since 15.04.2021, this Court directs the petitioners to be released on bail on such terms and conditions to be fixed by the learned Court in seisin over the matter, with the additional conditions that they shall remain present on each date of trial and shall report to the jurisdictional Police Station of the learned Court in seisin over the matter once in every fifteen (15) days till conclusion of the trial. The first date of such appearance to be fixed by the learned Court in seisin over the matter.

12. It shall be open for the learned Court in seisin over the matter to take steps in accordance with law for cancellation of the bail of the petitioners, in the event, there is any default in appearance before the concerned Police Station as directed.

13. The Bail Application thus stands disposed of.

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

