

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 4295 of 2021

Susanta Guru

....

Petitioner

Mr. S.K. Mishra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
21.04.2022

Order No.

04.

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 C.T. Case No.135 of 2021, on the files of learned Special Judge, Boudh, arising out of Manamunda P.S. Case No.34 of 2021, under Sections 20(b)(ii)(c)/25/29 of the NDPS Act and is in custody since 21.03.2021.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Special Judge, Boudh, by order dated 15.04.2021 in the aforementioned case, the present BLAPL has been filed.
5. Learned counsel for the petitioner submits that being driver of the Auto from which contraband was recovered conscious exclusive possession cannot be attributed to him.

6. Learned counsel for the State opposes the prayer for bail referring to the bar contained under Section 37 of the NDPS Act.

7. It is submitted by the learned counsel for the petitioner though he is in custody since 21.03.2021, there is no substantial progress in the trial.

8. Taking into account the manner of seizure and the role ascribed to the petitioner and considering the quantity of the contraband seized and that the petitioner is a local resident, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin over the matter.

9. Additionally, it is directed that the petitioner shall appear in the jurisdictional Police Station of the learned trial Court once every ten days.

10. Violation of condition of such appearance shall entail cancellation of bail by the learned Court in seisin over the matter after following the due process of law without any further reference of this Court.

11. The present BLAPL is disposed of accordingly.

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

(V. NARASINGH)
Judge

Santoshi