

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 4462 of 2021

***Sagar Ranjan Behera and
another***

....

Petitioners

Mr. R.K. Sarangi, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

05.04.2022

Order No.

04.

1. This matter is taken up through hybrid mode.
2. Heard Mr. R.K. Sarangi, learned counsel for the petitioners and Mr. Karunakar Gaya, learned Additional Standing Counsel for the State.
3. The petitioners are accused in T.R. Case No.28 of 2021, on the files of learned 1st Additional Sessions Judge-cum-Special Judge, Khurda, arising out of S.T.F. P.S. Case No.15 dated 24.04.2021, under Sections 21(C)/29.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned 1st Additional Sessions Judge-cum-Special Judge, Khurda, by order dated 05.05.2021 in the aforementioned case, the present BLAPL has been filed.
5. Learned counsel for the petitioners submit that the basis of accusation is on the basis of co-accused statement, in as much as admittedly there has been no seizure from the petitioners and the basis of implication is the statement of one Mr. B. Mohanty from whom the contraband was seized and the STF also seized

cash of Rs.5,30,000/- (Rupees Five Lakhs Thirty Thousands only) from the co-accused SK. Jumman @ SK Babruddin.

6. It is stated that from the manner of the seizure, complicity of the petitioners are not prima facie established and therefore rigors of Section 37 of the NDPS Act does not come into play in the case at hand.

7. Learned counsel for the petitioners further submit that the petitioners have no criminal proclivity.

8. Learned counsel for the State referring to the recitals of the case diary submits that there are enough materials on record to connect the present petitioner with the seizure of the contraband which is admittedly beyond the permissible limit and hence in view of the bar under Section 37 of the NDPS Act the petitioners are not entitled to any relief.

9. It is stated at the Bar that the charge sheet had already been filed on 23.04.2008.

10. Considering the materials on the basis of which the petitioners have been implicated primarily basing on co-accused statement, this Court direct, the petitioners to be released on bail on such terms to be fixed by the learned Court in seisin of the matter including that they shall appear before the jurisdictional Police Station once in 15 days. First of such date to be fixed by this Court in seisin of the date.

11. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi