

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 5519 OF 2022

Akash Meher

..... *Petitioner*
Mr. S. Panda, Advocate

-versus-

State of Odisha

..... *Opposite Party*
Mr. A. Pradhan, ASC

CORAM:
JUSTICE V. NARASINGH

ORDER
29.07.2022

Order No.
02.

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 connection with Special Case (NDPS) No. 10 of 2022 arising out of Baunsuni P.S. 09 of 2022, pending on the file of the learned Sessions Judge-cum-Special Judge, Boudh for the alleged commission of offence under Section- 20(b)(ii)(C) of the N.D.P.S. Act.
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, Boudh by Order dtd. 20.05.2022 in Special Case (NDPS) No. 10 of 2022, the present BLAPL has been filed.
5. Learned counsel for the petitioner submits that in the meanwhile investigation has been concluded and charge-sheet has

been filed. And from the manner in which, the seizure has been effected, the conscious and exclusive possession of the contraband (Ganja) cannot be readily attributed to the petitioner and thereby the restriction as envisaged Under Section -37 of the N.D. P.S Act is not attracted in the case at hand.

6. Learned counsel for the State per contra submits that, there are materials on record which unerringly point to the complicity of the petitioner and that plea of innocence does not merit consideration.

7. Taking into account that the charge-sheet has already been filed, the period of custody and that the petitioner is a local person, this Court directs the petitioner shall be released on bail on such terms to be fixed by the learned Court in seisin over the matter.

8. The Bail Application thus stands disposed of.

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

Balaram

*(V.Narasingh)
Judge*