

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 4584 of 2021

***Soumya @ Saumya Ranjan
Mohanty***

Petitioner

Mr. B.P. Pradhan, 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. B.P. Pradhan, learned counsel for the petitioner and Mr. Karunakar Gaya, learned Additional Standing Counsel for the State.
3. The petitioner is an accused in 2(a)CC Case No.15 of 2021, on the files of learned Sessions Judge-cum-Special Judge, Phulbani, arising out of Phulbani P.R. No.18 of 2021-2022, under Sections 20(b)(ii)(C) of NDPS Act and is in custody since 04.06.2021.
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, Phulbani, by order dated 10.06.2021 in the aforementioned case, the present BLAPL has been filed.

5. Learned counsel for the petitioner state that from the quantity of contraband seized, it cannot be said with certainty that there is no error in weighment so as to attract the bar under Section 37 of the NDPS Act.

6. Per contra the learned counsel for the State submits that at this stage it is not open to the Court to consider such submission and prays for dismissal of the BLAPL.

7. On a conspectus of materials on record and taking into account that the petitioner is in custody since 04.06.2021 and that trial has not commenced and since in the given facts of the case it cannot be said with certainty that the contraband seized comes within the prohibited quantity, so as to attract the bar under Section 37 of the NDPS Act, this Court direct the petitioner to be released on bail on such terms to be fixed by the Court in seisin of the matter.

8. Accordingly, the BLAPL stand disposed of.

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

(V. NARASINGH)
Judge

Santoshi