

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 4967 OF 2021

Abodh Kumar Sethy

***..... Petitioner
Mr. Sushanta Harichandan, Adv.***

-versus-

State of Orissa

***..... Opposite Party
Miss S. Mishra, ASC***

**CORAM:
JUSTICE V. NARASINGH**

**ORDER
18.04.2022**

**Order No.
03.**

1. This matter is taken up through Hybrid Mode.
2. The petitioner is an accused in Special Case No. 03 of 2021 on the file of the Learned Special Judge, Athagarh, arising out of Unit-II Cuttack P.R. No. 24 of 2022, for commission of alleged offence under Sections-20(b)(ii)(C) of N.D.P.C., Act and is in custody since 03.06.2021.
3. Being aggrieved by the order dtd. 23.06.2021 passed by the Learned Special Judge, Athagarh in special Case No. 03 of 2021, rejecting the bail application of the petitioner, the present BLAPL has been filed.
3. Heard Mr. S.Harichandan, learned counsel for the petitioner and Miss Sanjibani Mishra, learned Additional Standing Counsel for the State.

4. Learned counsel for the petitioner submits that, he is earning his livelihood being employed as a driver. As such, conscious and exclusive possession of the contraband seized cannot be attributed to him.

5. It is submitted that since he is a victim of the circumstances and taking into account his period of custody and that there being no substantial progress in the trial, he is entitled to be released on bail.

6. Per contra, the learned counsel for the State on the basis of the recitals in the Case Diary submits from the manner of seizure, it cannot at all be said that the petitioner is a victim of circumstances as pleaded and in view of bar contained under Section-37 of the NDPS Act, the bail application does not merit consideration.

7. On a conspectus of material on record and taking into account that the petitioner is in custody since 03.06.2021 and the manner of seizure, this Court directs the petitioner to be released on bail on such terms and conditions to be fixed by the learned Court in seisin over the matter including that the petitioner shall appear in person before the jurisdictional Police Station once in fifteen (15) days. The first date of such appearance to be fixed by the learned Court in seisin over the matter.

8. 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 petitioner, in the event, there is any default in appearance before the concerned Police Station as directed.

9. The Bail Application thus stands disposed of.

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

Balaram



(V.Narasingh)
Judge