

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No. 5909 OF 2022

Laxmidhar Dandia & another

..... ***Petitioners***
Mr. S.K.Dash, Adv.

-versus-

State of Odisha

..... ***Opposite Party***
Mr. K.K.Gaya, ASC

CORAM:
JUSTICE V. NARASINGH

ORDER
20.07.2022

Order No.

01.

1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
3. The Petitioners are accused in connection with T.R. Case No.103 of 2021 arising out of Muniguda P.S. Case No. 157 of 2021 on the file of learned Additional Sessions Judge-cum-Special Judge, Gunupur, registered for the alleged commission of offence under Section 20(b)(ii)(C)/29 of the NDPS Act.
4. Being aggrieved by the rejection of his application for bail U/s 439 Cr.P.C. by the learned Additional Sessions Judge-cum-Special Judge, Gunupur by order dated 13.04.2022, the present BLAPL has been filed
5. Learned counsel for the petitioner submits that they were travelling in the Auto Rickshaw from which the contraband was seized and it is stated from the manner of seizure exclusive conscious possession cannot be conclusively attributed to them and it is submitted

that since the charge sheet has already been filed, release of the petitioners in no way prejudice the prosecution.

6. On the basis of recitals in the case diary, learned State Counsel opposes the prayer for bail submitting that at this stage, it is not open to this Court to go into the complicity of the petitioners and in view of the bar under Section 37 of the NDPS Act.

7. Taking note of the fact that the vehicle in question was driven by one Niteswar Majhi, who is not the petitioner and the manner of accusation vis-à-vis the petitioners, this Court directs that the petitioners shall be released on bail on such terms to be fixed by the learned court in seisin over the matter.

8. Accordingly, the BLAPL stands disposed of.

9. Issue urgent certified copy of this order as per Rules.

(*V.Narasingh*)
Judge

Dhal

