

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 5032 of 2021

Satyabadi Sethi

....

Petitioner

Mr. P. Panda, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. D. Mund, AGA

CORAM: JUSTICE V. NARASINGH

ORDER

04.04.2022

Order No.

06.

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 2(a)CC Case No.30 of 2021, on the files of learned Sessions Judge-cum-Special Judge, Cuttack, arising out of P.R. No.36 of 2021-22, under Sections 20(b)(ii)(c) of NDPS Act and in custody since 19.05.2021.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Court of the Sessions Judge-cum-Special Judge, Cuttack, by order dated 08.06.2021 in the aforementioned case, the present BLAPL has been filed.

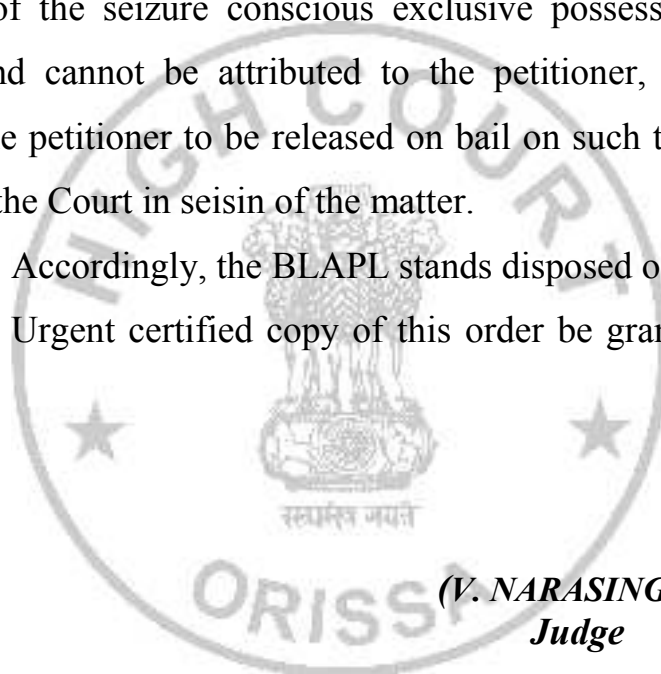
5. Learned counsel for the petitioner submits from the manner in which seizure of the contraband have been effected. It cannot be said that the petitioner is in conscious exclusive possession of the same.

6. Per contra the learned counsel for the State opposes the move in view of the bar under Section 37 of the NDPS Act.

7. Taking into account that the petitioner is in custody since 19.05.2021 and the trial has not commenced and from the manner of the seizure conscious exclusive possession of the contraband cannot be attributed to the petitioner, this Court directs 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 stands disposed of.

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



(V. NARASINGH)
Judge

Santoshi