

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No. 6067 OF 2022

Shishir Ranjan Mohanty

..... *Petitioner*
Mr. A.K.Mishra, Adv.

-versus-

State of Odisha

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

CORAM:
JUSTICE V. NARASINGH

ORDER
22.07.2022

Order No.

04.

1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel for the parties.
3. The Petitioner is an accused in connection with G.R. Case No. 28 of 2022 arising out of Plamt Side P.S. Case No. 174 of 2022 on the file of learned 1st Addl. Sessions Judge-cum-Special Judge, Rourkela registered for the alleged commission of offence under Sections 20(b)(ii)(C) of the NDPS Act.
4. Being aggrieved by the rejection of his application for bail U/s 439 Cr.P.C. by the learned 1st Addl. Sessions Judge-cum-Special Judge, Rourkela by order dated 7.06.2022, the present BLAPL has been filed
5. It is submitted by the learned counsel for the petitioner that he was driving the motor cycle from which the contraband was seized and as such conscious explosive possession cannot be attributed to him.
6. Learned counsel for the State relying on the bar under section 37 of the NDPS Act, submits that since the investigation is in progress, it is not open for the petitioner to submit regarding his innocence.

7. Taking note of the quantity of contraband seized (24kg. 167 gms.) and the manner in which the seizure has been affected vis-à-vis the petitioner, this Court directs the petitioner to be released on bail on such terms to be fixed by the court in seisin over the matter including that one of the sureties shall be the immediate family member of the petitioner and petitioner shall appear before the jurisdictional Police Station of the court once every week till submission of the Final Form.
8. Violation of such stipulation shall entail cancellation of bail.
9. Accordingly, the BLAPL stands disposed of.
10. Issue urgent certified copy of this order as per Rules.

Dhal

