

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No. 5222 OF 2021

Pradeep Kumar Debata @ Das

..... ***Petitioner***
Mr. S.Satapathy, Adv.

-versus-

State of Odisha

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

CORAM:
JUSTICE V. NARASINGH

ORDER
15.07.2022

Order No.
04.

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 Petitioner is an accused in connection with G.R. Case No.40 of 2021 arising out of Kuliana P.S. Case No. 48 of 2021 on the file of learned Sessions Judge-cum-Special Judge, Mayurbhanj, 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 Sessions Judge-cum-Special Judge, Mayurbhanj, by order dated 19.05.2021, the present BLAPL has been filed. The petitioner is stated to be in custody since 9.03.2021.

5. Learned counsel for the Petitioner states that accepting the case of the prosecution at its face value, conscious exclusive possession cannot be attributed to the petitioner inasmuch as there was no recovery from the petitioner. It is submitted that to his ill luck the petitioner was at the wrong place at wrong time.

6. Learned counsel for the State opposes the prayer for bail relying on the bar presumed under NDPS Act.

7. Taking note of the manner of seizure and the accusation vis-a-vis the Petitioner and the period of custody, this Court directs that the petitioner to be released on bail on such terms to be fixed by the learned court in seisin over the matter so as to ensure his presence on each date of trial.

8. Accordingly, the BLAPL stands disposed of.

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

(V.Narasingh)
Judge

Dhal