

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6204 of 2022

Nikhil Sikdar

....

Petitioner

Mr. K.C. Dash, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
25.07.2022

Order No.

01.

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 T.R. Case No.68 of 2020, on the files of learned Sessions-cum-Spl. Judge, Malkangiri, arising out of Malkangiri P.S. Case No.246 of 2020, for commission of offences under Sections 20(b)(ii)C/25 of N.D.P.S. Act and is in custody since 17.06.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge-Spl. Judge, Malkangiri, by order dated 17.06.2022 in the aforementioned case, the present BLAPL has been filed.

5. Taking into account the order passed by the Coordinate Bench of this Court dated 13.05.2022 in BLAPL No.1564 of 2022 and considering that there was no seizure so as to attribute conscious and exclusive possession to the petitioner, the learned counsel for the petitioner seeks bail.

6. Learned counsel for the State opposes the prayer for bail on the ground of bar enacted under Section 37 of the NDPS Act.

7. Considering the submissions of learned counsel for the petitioner and release of the co-accused, this Court directs the petitioner to be released on bail. The learned Court in seisin to fix the terms.

8. While fixing the terms the learned Court shall additionally directs that he shall appear before the jurisdictional Police Station once every month till the conclusion of trial.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi