

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6206 of 2022

Anwar Khan

....

Petitioner

Mr. S.K. Rout, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, 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 Special T.R. Case No.23(A) of 2019, on the files of learned Additional Sessions Judge, Koraput, arising out of Nandapur P.S. Case No.60 of 2019, for commission of offences under Sections 20(b)(ii)C/25 of N.D.P.S. 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, Koraput, by order dated 22.06.2022 in the aforementioned case, the present BLAPL has been filed.
5. On the basis of materials on record it is seen that the basis of implication is the statement of the driver of the vehicle from

which the contraband was seized and it is also further stated that by virtue of the agreement dated 22.11.2017 executed between registered owner one Krushnachandra Mohapatra since the deceased and the present accused he has been implicated since the vehicle stands in his name since, no steps have been taken by the petitioner for change of registration in his favour.

6. It is submitted by the learned counsel for the petitioner that admittedly nothing has been seized from his possession and charge sheet having been filed in the meanwhile, his further detention is punitive.

7. It is submitted that the petitioner being a local person there is no chance of his fleeing justice. Hence petitioner seeks for consideration of his bail application favourably.

8. Learned counsel for the State per contra submits that the very fact that the petitioner has not taken any steps for change of ownership prima facie indicates his culpability and in view of the contraband being more than the commercial quantity and taking into account the bar as prescribed under Section 37 of the NDPS Act, the case at hand does not merit the consideration of this Court.

9. On a conspectus of materials since petitioner has been implicated admittedly on the basis of co-accused statement and charge sheet having been filed, this Court directs the petitioner to be released on bail on such terms to be fixed by the Court in seisin of the matter.

10. Additionally, it is directed that the petitioner shall appear before the concerned Police Station once every month till the conclusion of trial.

11. Accordingly, the BLAPL stands disposed of.

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

Santoshi

(V. NARASINGH)
Judge

