

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6248 of 2022

Trinath Pan & Another

....

Petitioners

Mr. A. Das, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

19.12.2022

Order No.

03.

1. Heard learned counsel for the petitioners and learned counsel for the State.
2. The petitioners are accused in Spl. (NDPS) Case No.13 of 2022, pending in the Court of learned Additional District & Sessions Judge, Kantamal, Boudh, arising out of Kantamal P.S. Case No.52 of 2022, for commission of alleged offences under Sections 20(b)(ii)(C) of NDPS Act.
3. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge-cum-Special Judge, Kantamal, Boudh, by order dated 21.06.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted that the petitioners are in custody since 20.04.2022 on the accusation of possessing 25Kg 200gms (Ganja), which was been transported in car.
5. It is submitted that on being intercepted, the driver of the vehicle ran away and the petitioners are apprehended.
6. Learned counsel for the petitioners vehemently submits that looking at from the very conduct of the petitioners, it can be

inferred that they have no inkling of the contraband being carried in the vehicle and they are the victim of the circumstances.

7. Learned counsel for the State opposes the prayer relying on the bar under Section 37 of the NDPS Act and submits that defence plea as advanced cannot be taken into account at this stage.

8. Considering the manner of implication and the conduct of the petitioners not fleeing, this Court directs the petitioners to be released on bail on such terms to be fixed by the learned Court in seisin.

9. Before releasing the petitioners, learned Court in seisin shall verify assertion regarding the criminal antecedents of similar nature. If it comes to the fore that the petitioners have such criminal antecedent, this order shall stand recalled.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha