

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6287 of 2022

Nakul Digal @ Rahul

....

Petitioner

Mr. B.P. Rath, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

17.11.2022

Order No.

02.

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.534 of 2021, pending in the file of learned Sessions Judge, Khordha at Bhubaneswar, arising out of Bharatpur P.S. Case No.415 of 2021, offence under Sections 20(b)(ii)(c) of NDPS Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge, Khurda at Bhubaneswar by order dated 22.06.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that the petitioner is in custody since 05.12.2021 and charge sheet has already been filed on 02.06.2022 which is on record and keeping in

view the quantity of contraband seized is to the tune of 22 Kgs, his further continuance in custody is not warranted.

6. It is also submitted on the basis of materials on record that conscious exclusive possession cannot be attributed to the petitioner and it is further submitted with vehemence that wrong weighment cannot be ruled out so as to bring within the bar contained under Section 37 of the NDPS Act.

7. Learned counsel for the State opposes the prayer for bail relying on the bar contained under Section 37 of the NDPS Act and submits that the defence as advanced to by the learned counsel for the petitioner is figment of the his imagination.

8. Considering the quantity of contraband seized and the manner of such seizure, this Court directs 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.

9. While enlarging the petitioner on bail, the learned Court below shall verify assertion regarding his criminal proclivity. If it comes to the fore that the petitioner has any 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