

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 5443 OF 2021

Banamali Maharana

***..... Petitioner
Mr. A.K. Pattanaik, Adv.***

-versus-

State of Odisha

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

**CORAM:
JUSTICE V. NARASINGH**

**ORDER
10.03.2022**

**Order No.
03**

1. This matter is taken up through Hybrid Mode.
2. Being aggrieved by the order dtd. 05.03.2021 passed by the Learned Special Judge -cum- Addl. Sessions Judge, Balliguda, Kandhamal in C.T. No.11 of 2021, rejecting the bail application of the petitioner along with two others, the present BLAPL has been filed.
3. Heard Mr. A.K. Pattanaik, learned counsel for the petitioner and Mr. K.K. Gaya, learned Additional Standing Counsel for the State.
4. It is contended by the learned counsel for the petitioner that, on 01.03.2021 because of the ongoing Pandemic no public transport was available. He sought a lift in the vehicle in question bearing Regd. No. OD 02- AA-4122 to come to Bhubaneswer along with two other persons and on its way the vehicle was intercepted by the police and it was found that the contraband

material i.e., 'Ganja' to the tune of 41 Kgs 300 gram was stored in the boot of the vehicle.

5. It is stated with vehemence that the petitioner was not aware of such contraband being carried in the vehicle and he is a victim of the circumstances.

6. Taking into account, the period of detention and the circumstances in which the petitioner is stated to have sought a lift, in view the non-availability of public transport in the Corona Pandemic times, this Court finds that it cannot be stated that the petitioner was in conscious possession of the contraband Ganja and accordingly, this Court directs that the petitioner shall be released on bail in connection with C.T. Case No. 11 of 2021, arising out of Balliguda P.S. Case No. 42 of 2021, pending on the file of learned Special Judge-cum-Additional Dist. & Sessions Judge, Balliguda, Kandhamal, on such terms to be fixed by the learned Court below in seisin of the matter.

7. It is made clear that this order shall not be treated as precedent so far as the other accused are concerned and their cases is to be taken up on its own merits.

8. The BLAPL is disposed of accordingly.

9. Urgent certified copy of this order be granted as per rule.

Balaram

*(V.Narasingh)
Judge*