

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6506 of 2022

Sarat Kanhar

....

Petitioner

Mr. J.K. Panda, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
22.09.2022

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 Manamunda P.S. Case No.81 of 2019 arising out of C.T. Case No.272 of 2019, pending in the Court of learned Additional District & Sessions Judge, Kantamal, Boudh, for offences under Section 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 Additional Sessions Judge-cum-Special Judge, Kantamal, by order dated 30.06.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner, relying on the recitals in the Case Diary that the house from which the seizure has been made though stands in his father's name, yet conscious exclusive possession cannot be readily attributed to the

petitioner and as such the Bar under Section 37 of the NDPS Act is not attracted.

6. It is further submitted by the learned counsel for the petitioner since the petitioner is a local person, there is no chance of his fleeing justice and as charge-sheet has already been filed, his further continuance is not warranted since there is no scope, keeping in view of the pendency of the Court in seisin over the matter, of early trial.

7. Learned counsel for the State relying on the Bar under Section 37 of the NDPS Act opposes the prayer for bail.

8. Taking note of the submission of the learned counsel for the petitioner and that the petitioner is the first offender, 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 releasing the petitioner on bail the learned Court below shall verify the criminal antecedent of the petitioner. If it comes to the fore that the petitioner has any criminal antecedent this order shall stand recalled without any further reference to this Court.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha