

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6576 of 2022

Buntly Nag

....

Petitioner

Mr. M. Padhy, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

17.11.2022

Order No.

- 02.
1. This matter is taken up through hybrid mode.
 2. Learned counsel for the Petitioner is permitted to correct the description of the case in the cause title in Court.
 3. Heard learned counsel for the Petitioner and learned counsel for the State.
 4. The Petitioner is an accused in T.R. Case No.52(A) of 2020 pending in the file of learned Sessions Judge-cum-Special Judge, Koraput-Jeypore, arising out of Jeypore Town P.S. Case No.219 of 2020, for commission of the offence under Sections 20(b)(ii)(c)/25/29 of the N.D.P.S. Act.
 5. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Special Judge, Koraput-Jeypore by order dated 13.06.2022 in the aforementioned case, the present BLAPL has been filed.
 6. It is submitted by the learned counsel for the Petitioner that if the entire allegation of the prosecution is accepted at its face value, the

Petitioner is stated to be in the black colour Maruti Alto Car which was escorting the blue colour TATA Ace bearing registration number OD-10H-2557 from which contraband (Ganja) to the tune of 1046 Kg. was seized. As such conscious and exclusive possession cannot be attributed to the Petitioner.

7. Learned counsel for the Petitioner places reliance on the order dated 16.03.2021 passed by this Court in the case of Muna Majhi in BLAPL No.6724 of 2020 and submits that the Petitioner is similarly circumstanced with the said Muna Majhi and since he has been released on bail, further continuance of the Petitioner in custody is not justified on the ground of parity.

8. Learned counsel for the State opposes the prayer for bail and submits that in view of the bar contained in Section 37 of the N.D.P.S Act, the question of parity does not come into play and it is also submitted that since the Petitioner has criminal antecedent though not of similar nature, he ought not to be released on bail.

9. Considering that the Petitioner was taken into custody subsequently on 01.06.2022, filing of the charge sheet, release of the co-accused, as noted and the manner of implication of the Petitioner in the case at hand, 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.

10. In view of the criminal proclivity, additionally, it is directed that the Petitioner shall appear before the jurisdictional police station of the Court in seisin over the matter once every week till conclusion of trial.

11. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

PKS