

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6719 of 2022

Rohit Kumar

....

Petitioner

Mr. J.K. Panda, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
21.09.2022

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 Special Case No.161 of 2022, pending in the file of learned Sessions Judge-cum-Special Judge, Balasore, arising out of P.R. Case No.13 of 2022-23, offence under Sections 20(b)(ii)(C) read with Section 8 (C) of the NDPS Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Special Judge, Balasore by order dated 06.07.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that from the manner in which the seizure has been affected, conscious exclusive possession cannot be readily attributed to the petitioner. It is further submitted that since final PR has been submitted on

29.06.2022, further continuance of the petitioner is not warranted and Court must take liberal view keeping in view the age of the petitioner.

6. Such submission is opposed by the learned counsel for the petitioner inter alia on the ground placing reliance on the bar contained under Section 37 of the NDPS Act. It is also further submitted that from the manner in which the seizure has been affected the plea of innocence does not hold water.

7. Taking into account the quantity of contraband seized (22kgs) and the age of the petitioner, this Court directs the petitioner to be released on bail on such terms to be fixed by the Court in seisin over the matter.

8. Since the petitioner is an outsider while fixing the terms and conditions, learned Court below shall taken the same into account and additionally it is directed that one of the sureties shall be family member of the petitioner.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi