

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6746 of 2022

Anirudha Mallick

....

Petitioner

Mr. A. Tripathy, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
21.10.2022

Order No.

03.

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 2(a)CC No.43 of 2022-N, pending in the Court of learned Sessions Judge-cum-Special Judge, Ganjam, Berhampur, arising out of P.R No.168 of 2022-23 for commission of offence under Sections 20(b)(ii)(C) of the N.D.P.S Act and is in custody since 21.05.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge-cum-Special Judge, Ganjam, Berhampur (I/c) by order dated 23.06.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the Petitioner that the Petitioner has been falsely implicated in the case at hand inasmuch as the seizure has been made from a public place. Hence,

conscious possession cannot be readily attributable to him. It is also stated that wrong weighment cannot be ruled out so as to attract the bar contained in Section 37 of the N.D.P.S Act.

6. Learned counsel for the State opposes the prayer for bail and submits that on the basis of the materials on record, the submission of the learned counsel for the Petitioner regarding lack of conscious of possession and wrong weighment is fanciful.

7. Considering the submission of the learned counsel for the Petitioner and taking into account the quantity of the contraband seized, conclusion of investigation, age of the Petitioner and that he is the first offender, this Court directs the Petitioner to be released on bail by the learned Court in seisin over the matter.

8. Learned Court in seisin over the matter shall verify the criminal antecedents. If it comes to the fore that the Petitioner has any criminal antecedent, this order shall stand recalled.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

PKS