

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 5877 OF 2021

Apurba Kumar Nayak

..... *Petitioner*
Mr. P. K. Panda, Advocate

-versus-

State of Odisha

..... *Opposite Party*
Miss S. Mishra, ASC

CORAM:
JUSTICE V. NARASINGH

ORDER
29.04.2022

Order No.
03.

1. This matter is taken up through Hybrid Mode.
2. The petitioner is an accused in G.R. Case No. 48 of 2020(N) pending on the file of the Learned Sessions Judge-cum-Special Judge, Berhampur, Ganjam arising out of Berhampur Sadar P.S. Case No. 367 of 2020, for commission of alleged offence under Sections-20(b)(ii)(C) of N.D.P.C., Act and is in custody since 03.12.2020.
3. Being aggrieved by the order dtd. 01.07.2021 passed by the Learned 1st Additional Sessions Judge-cum-Special Judge, Berhampur, Ganjam in G.R. Case No.48 of 2020(N), rejecting the bail application of the petitioner, the present BLAPL has been filed.

4. Heard Mr. P. K. Panda, learned counsel for the petitioner and Miss S. Mishra, learned Additional Standing Counsel for the State.

5. Learned counsel for the petitioner submits that, from the manner of the seizure exclusive and conscious possession cannot be attributed to him.

6. It is refuted by the learned counsel for the State, relying on the bar contained under Section-37 of the NDPS Act, the petitioner is not entitled to be released on bail.

7. Taking into account the manner of seizure, the petitioner not having any criminal proclivity and that the trial has not been commenced, this Court directs that, the petitioner to be released on bail on such terms to be fixed by the learned counsel in seisin over the matter, so as to ensure his presence on each date of trial.

8. The Bail Application thus stands disposed of.

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

Balaram

*(V.Narasingh)
Judge*