

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7012 of 2022

Rama Chandra Behera

....

Petitioner

Mr. S.K. Das, Advocate

-versus-

State of Orissa

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

24.11.2022

Order No.

01.

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 connection with C.T. Case No.21 of 2022, pending in the Court of the learned District & Sessions Judge-cum-Special Judge, Kandhamal, Phulbani, arising out of Phiringia P.S. Case No.52 of 2022, for alleged commission of offences under Sections 20(b)(ii)(C)/25/29 of NDPS Act.
4. Being aggrieved by the rejection of her application for bail U/s.439 Cr.P.C. by the learned Special Judge, Phulbani, by order dated 18.05.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel that the petitioner is in custody since 04.04.2022 and since charge-sheet has been filed on 01.07.2022 and keeping in view of the basis of implication, further continuance of the petitioner in custody is uncalled for.

6. Learned counsel for the State opposes the prayer for bail inter alia on the ground that the contraband seized is more than the commercial quantity and as such in view of the bar contained in Section 37 of the NDPS Act, the petitioner is not entitled to release on bail.

7. It is borne out from the Case Diary that the petitioner was an occupant in the vehicle and the learned counsel for the petitioner submits that there are no materials on record to state that the petitioner was in conscious exclusive possession of the contraband and it is stated that he is a victim of the circumstances.

8. Considering the manner in which the seizure has been affected and that the petitioner is a young man of 24 years and there is bleak chance of early trial, 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.

9. While releasing the petitioner on bail, the learned Court below shall verify assertion regarding criminal antecedent 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