

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7478 of 2022

Bishikeshan Kanhar

....

Petitioner

Mr. A.R. Panda, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
23.11.2022

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 connection with C.T. Case No.30 of 2022, pending before the learned District & Sessions Judge-cum-Special Judge, Kandhamal, arising out of Gochhapada P.S. Case No.72 of 2022, for alleged commission of offences under Section 20(b)(ii)(C) of NDPS Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Special Judge, Phulbani, by order dated 21.06.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that the petitioner is in custody since 14.06.2022 and since charge-sheet

has already been filed on 12.08.2022, his further continuance in custody is unwarranted.

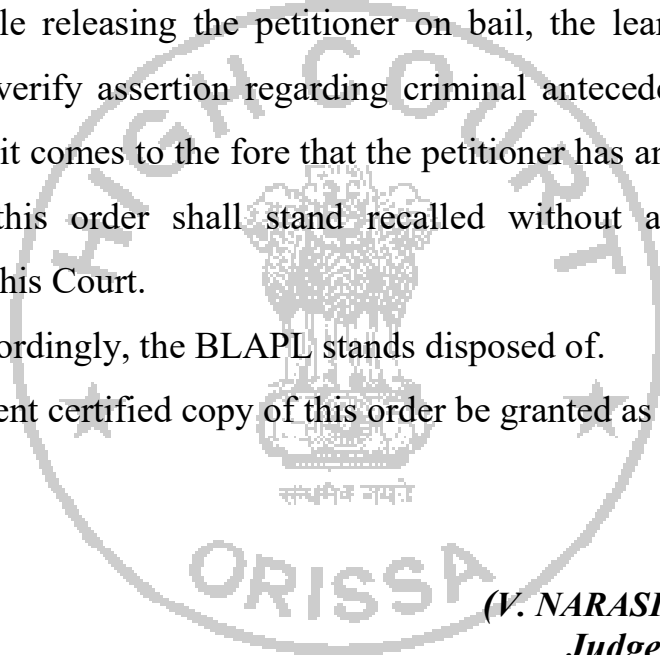
6. Learned counsel for the State opposes the prayer for bail inter alia on the ground of bar under Section 37 of the NDPS Act.

7. Considering the manner of seizure, conscious exclusive possession cannot be attributable to the petitioner and keeping in view the age of the petitioner and since it is stated the petitioner is the first offender, this Court directs the petitioners to be released on bail on such terms to be fixed by the Court in seisin over the matter.

8. While releasing the petitioner on bail, the learned Court below shall verify assertion regarding criminal antecedents of 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.

9. Accordingly, the BLAPL stands disposed of.

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



(V. NARASINGH)
Judge

Ayesha