

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7574 of 2022

Jasobanta Bagarti

....

Petitioner

Mr. S. Dwibedi, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

24.11.2022

Order No.

02.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
3. The petitioner is an accused in connection with 2(a)CC Case No.16 of 2022, pending in the file of learned Special Judge, Phulbani, arising out of P.R. No.32 of 2022-23 of OIC of Excise, District Mobile, Kandhamal, for 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 11.07.2022 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 06.07.2022 and charge-sheet has been filed on 14.11.2022.

6. It is submitted that the contraband seized is to the tune of 21Kgs and from the manner of such seizure conscious exclusive possession cannot be attributed to the petitioner.

7. It is further submitted by the learned counsel that wrong weighment cannot be ruled out so as to attract the bar under Section 37 of the NDPS Act.

8. Learned counsel for the State opposes the prayer for bail in view of the bar contained under Section 37 of the NDPS Act.

9. Considering the submission of final P.R. and the quantity of contraband and the petitioner is the first offender, 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.

10. While releasing the petitioner on bail, the learned Court below shall verify assertion regarding criminal antecedent of similar nature, of the petitioner. If it comes to the fore that the petitioner has any such criminal antecedent, this order shall stand recalled without any further reference to this Court.

11. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha