

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7668 of 2022

Mukesh Kumar

....

Petitioner

Mr. R. Biswal, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
22.09.2022

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 T.R. Case No.48 of 2022 pending in the file of learned Additional Sessions Judge-cum-Special Judge, Gunupur, arising out of Bisamkatak P.S. Case No.44 of 2022, offence under Sections 20(b)(ii)(c) of the NDPS Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge-cum-Special Judge, Gunupur, by order dated 02.08.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that the petitioner was occupant in the vehicle from which the contraband was seized and conscious exclusive possession cannot be readily attributed to him and it is further submitted that since charge sheet has been filed on 30.06.2022 and the petitioner is in custody since 19.03.2022, he may be allowed to be released on bail.

6. Learned counsel for the State opposes the prayer for bail inter alia relying on the bar contained under Section 37 of the NDPS Act and also submits that petitioner is at flight risk since does not belong to the State of Odisha.

7. Taking note of the period of custody and filing of charge sheet, this Court directs the petitioner to be released on bail on such terms to be filed by the learned Court in seisin over the matter.

8. Additionally, it is directed that till the conclusion of trial petitioner shall not leave the jurisdiction of the Court in seisin over the matter and shall appear before the local police station once every week till the conclusion of trial. Certification of such appearance shall be submitted to the Court in seisin over the matter.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi

