

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7861 of 2022

Ananta Naik

....

Petitioner

Mr. D.R. Mishra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. M. Mishra, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
08.12.2022

Order No.

02.

1. Heard learned counsel for the petitioner and learned counsel for the State.

2. The petitioner is an accused in Special G.R. Case No.21 of 2022, pending in the file of learned Special Judge-cum-Sessions Judge, Sonepur, arising out of Sonepur P.S. Case No.91 of 2022, for commission of alleged offences under Sections 20(b)(ii)(C)/25/29 of NDPS Act and is in custody since 29.04.2022.

3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Special Judge-cum-Sessions Judge, Sonepur by order dated 08.08.2022 in the aforementioned case, the present BLAPL has been filed.

4. It is submitted that the petitioner is in custody since 29.04.2022 and charge sheet has been filed on 25.10.2022.

5. It is further submitted that innocently petitioner sought for a lift in the vehicle without having any clue that the said vehicle was carrying contraband (ganja) and it is also submitted that when

the vehicle was intercepted as the petitioner has no inkling of the contraband (ganja), he did not try to run away.

6. And, it is stated that taking into account his conduct conscious exclusive possession cannot be attributed to him. Hence he may be released on bail.

7. Learned counsel for the State opposes the prayer for bail relying on the bar contained in Section 37 of the NDPS Act.

8. It is submitted that since the contraband (ganja) seized was admittedly more than commercial quantity both from the rear seat and boot of the vehicle, the defence plea of innocence and being victim of the circumstance as advanced is untenable.

9. Considering the manner in which the seizure was effected and taking into account the age of the petitioner, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin.

10. Since the learned counsel for the petitioner is not in a position to appraise this Court regarding the criminal antecedents of the petitioner, this Court calls upon the learned Court in seisin to verify the assertion regarding his criminal antecedent. If it comes to the fore that petitioner has any criminal antecedent, this order shall stand recalled.

11. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge