

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8107 of 2022

Trinath Pradhan

....

Petitioner

Mr. B.C. Ghadei, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

06.12.2022

Order No.

03.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. The petitioner is an accused in connection with 2(a) CC Case No.45 of 2022, pending in the Court of learned Sessions Judge-cum-Special Judge, Cuttack, arising out of P.R. No.75 of 2022-23, for alleged commission of offences under Section 20(b)(ii)(C) of NDPS Act.
3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge-cum-Special Judge, Cuttack, by order dated 17.08.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted by the learned counsel that the petitioner is in custody since 23.07.2022 and final P.R. has been submitted on 09.11.2022.

5. Learned counsel for the petitioner submits that the manner in which the seizure of contraband to the tune of 22Kgs of Ganja was affected from a public place, it cannot be said that the petitioner has conscious exclusive possession of the same and keeping in view that he is a young man of 22 years and has no criminal antecedents, his further continuance in custody is unwarranted.

6. Learned counsel for the State opposes the prayer inter alia on the bar contained under Section 37 of NDPS Act and submits that the plea of innocence as advanced cannot be considered at this stage.

7. Taking into account the manner of seizure and the age of the petitioner and that the petitioner is the first offender, as stated, this Court directs the petitioner 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 in seisin over the matter shall verify assertion regarding criminal antecedents of similar nature. If it comes to the fore that the petitioner has such criminal antecedent, this order shall stand recalled.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha