

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8187 of 2022

Biswajit Sahoo @ Alok Sahoo

Petitioner

Mr. G.B. Singh, Advocate

-versus-

State of Odisha

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
29.09.2022

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 C.T. Case No.22 of 2022 pending in the file of learned Sessions Judge-cum-Special Judge, Phulbani, arising out of Phiringia P.S. Case No.55 of 2022, for offence under Sections 20(b)(ii)(C)/25/29 of the N.D.SP.S 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 22.08.2022 in the aforementioned case, the present BLAPL has been filed.
5. Perused the order of rejection.
6. It is submitted by the learned counsel for the Petitioner that the Petitioner is in custody since 11.04.2022, inter alia, on the accusation of being driver of Swift Dezire Car bearing registration

number OD-02-AN-4096 carrying contraband to the tune of 70 kg. 400 grams. It is stated placing reliance on the charge sheet which has been filed on 06.07.2022 that the Petitioner was driving the vehicle to earn his livelihood and he had no knowledge that the contraband was being carried out in the vehicle. Hence, it is stated with vehemence that the conscious exclusive possession cannot be attributed to the Petitioner.

7. Learned counsel for the State opposes the prayer, inter alia, relying on the bar contained in Section 37 of the N.D.P.S. Act.

8. Taking into account the manner of accusation and that charge sheet has already been filed and the Petitioner being a local, 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.

9. Additionally, it is directed that the Petitioner shall appear before the jurisdictional police station of the Court in seisin over the matter once in every 15 days till the conclusion of trial.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

PKS