

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8300 of 2022

Sarat Chandra Srichandan ***Petitioner***

Mr. S.R. Mohapatra, Advocate

-versus-

State of Odisha ***Opposite Party***

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
10.11.2022

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 connection with T.R. Case No.05(A) of 2020, pending in the Court of the learned 2nd Additional Sessions Judge, Khurda, arising out of P.R. Case No.160 dated 21.01.2020 of S.I of excise, District Mobile, Khurda, for alleged commission of offences under Sections 20(b)(ii)(C)/25/29 of NDPS Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned 2nd Additional Sessions Judge, Khurda, by order dated 20.08.2022 in the aforementioned case, the present BLAPL has been filed.
5. Learned counsel for the petitioner submits that the co-accused Kanhu Charan Pal, Anup Kumar and Suresh Chandra Nayak, from whom the seizure was effected were put to trial and by judgment dated 14.09.2021 in T.R. Case No.05 of 2020, the learned

2nd Additional Sessions Judge, Khurda, have acquitted them, giving them the benefit of doubt.

6. It is submitted on instructions that admittedly the petitioner was not at the spot and the only basis of his implication in the case at hand is that he is the owner of the indica car from which the contraband was seized.

7. It is also stated since the petitioner did not respond to notice under Section 67 of the NDPS Act, he has been remanded to custody and it is further submitted that the petitioner has no criminal antecedents.

8. Taking note of the acquittal of the co-accused from whom the seizure has been effected and keeping in view that the basis of implication of the present petitioner, 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. Copy of the judgment referred to hereinabove be kept on record.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha