

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8356 of 2022

Sanarttan Digal

....

Petitioner

Mr. S.K. Nayak, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

15.09.2022

Order No.

01.

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 2(a) CC Case No.29 of 2022(N), pending in the file of learned Sessions Judge-cum-Special Judge, Ganjam, Berhampur, arising out of P.R. Case No.72 of 2022-23, offence under Sections 20(b)(ii)(C) of the NDPS Act and is in custody since 24.04.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Special Judge-cum-Sessions Judge, Ganjam, Berhampur by order dated 25.05.2022 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 from the manner of seizure conscious exclusive possession cannot be readily attributed to the petitioner.

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

8. Taking into account the submission of the learned counsel for the petitioner and the quantity of contraband seized is to the tune of 25kgs, and the petitioner being a local person and a first offender as stated, 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. While enlarging the petitioner on bail the learned court below shall verify assertion regarding his criminal proclivity. If it comes to the fore that the petitioner has any 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

Santoshi