

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8488 of 2022

Sribanchha Paika

....

Petitioner

Mr. S.K. Nayak, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
20.12.2022

Order No.

02.

1. Heard learned counsel for the Petitioner and learned counsel for the State.
2. The Petitioner is an accused in connection with 2(a)CC Case No.41 of 2022 (N), pending in the Court of the learned Sessions Judge-cum-Special Judge, Ganjam, Berhampur, arising out of P.R No.166 of 2022-23, for alleged commission of offence under Section 20(b)(ii)(C) of the N.D.P.S Act.
3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Special Judge, Berhampur, by order dated 02.08.2022 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 20.05.2022 and as final P.R has been filed on 11.11.2022, his further continuance in custody is not warranted.

5. It is further submitted that the manner in which the seizure has been effected, conscious exclusive possession cannot be attributed to the Petitioner merely because he was coordinating at the instance of other accused person.

6. Learned counsel for the State opposes the prayer for bail relying on the bar contained in Section 37 of the N.D.P.S Act..

7. Taking note of the nature of accusation and filing of the final P.R., 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.

8. Learned counsel for the Petitioner submits that he is not in a position to apprise this Court about the criminal antecedent of the Petitioner.

9. While releasing the Petitioner on bail, learned Court below shall verify assertion regarding **criminal antecedent of similar nature**. If the Petitioner has any such criminal antecedent, this order shall stand recalled.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

PKS