

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8712 of 2022

Dasa Patamajhi

....

Petitioner

Mr. S.K. Dash, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
22.12.2022

Order No.

02.

1. Heard learned counsel for the Petitioner and learned counsel for the State.
2. The Petitioner is an accused in T.R. Case No.67 of 2022 pending on the file of learned Sessions Judge-cum-Special Judge, Gunupur, arising out of Chandrapur P.S. Case No.55 of 2022, for 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 Addl. Sessions Judge-cum-Special Judge, Gunupur I/c by order dated 22.08.2022 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 18.07.2022 and charge sheet has been filed on 09.11.2022. The copy of which is taken on record.

5. On perusal of the same, it is seen that FIR has been lodged against unknown accused and the seizure was from an auto rickshaw of 88 Kg. of contraband Ganja.
6. It is submitted by the learned counsel for the Petitioner that there is no admissible evidence to link the Petitioner with the alleged crime and in fact in the charge sheet it has been stated that on confidential inquiry the Petitioner's involvement has come to fore.
7. Hence, it is stated that the Petitioner's further continuance in custody is not warranted.
8. 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.
9. On perusal of the charge sheet, this Court is of the prima facie view that conscious exclusive possession cannot be attributed to the Petitioner.
10. On instruction, learned counsel submits that the Petitioner has no criminal antecedent.
11. On a conspectus of the materials on record, 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 subject to verification of the criminal antecedent.
12. If it comes to the fore that the Petitioner has any criminal antecedent of similar nature, this order shall stand recalled.
13. Accordingly, the BLAPL stands disposed of.
14. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge