

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7542 OF 2020

Goura Mahanandia

**..... *Petitioner*
*Mr. B.R. Tripathy, Adv.***

-versus-

State of Odisha

**..... *Opposite Party*
*Mr. D.Mund, AGA***

**CORAM:
JUSTICE V. NARASINGH**

**ORDER
31.03.2022**

Order No.

15.

1. This matter is taken up through Hybrid Mode.
2. The petitioner is an accused in connection with 2(a) C.C. Case No. 05 of 2020(NDPS Act) corresponding P.R. Case No. 04 of 2020-21, pending on the file of the learned Sessions Judge-cum-Special Judge, Boudh for the alleged commission of offence under Sections-20(b)(ii)(C) of the NDPS Act and the petitioner is in custody since 08.09.2020.
3. Being aggrieved by the rejection of his application for bail U/s. 439 Cr.P.C. by the learned Sessions Judge-cum-Special Judge, Boudh by Order dtd. 05.10.2020 in 2(a) C.C. Cas No. 05 of 2020(NDPS Act), the present BLAPL has been filed.
4. Heard learned Counsel for the petitioner and learned Additional Government Advocate for the State.

5. Learned counsel for the petitioner states that, the manner in which the seizure has been effected, it cannot be said that the petitioner had conscious exclusive possession and he has no criminal proclivity. It is also further urged by the learned counsel for the petitioner that earlier being released on interim bail, the petitioner has surrendered within the stipulated time, which goes to indicate that there is no chance of fleeing in justice and hence, the matter merits consideration of this Court.

6. Learned counsel for the State relying on the bar prescribed under Section-37 of the NDPS Act seeks dismissal of this Bail Application.

7. Taking into account, the period of custody and that trial has not commenced, this Court directs the petitioner to be released on bail in connection with 2(a) C.C. Case No. 05 of 2020(NDPS Act) corresponding P.R. Case No. 04 of 2020-21, pending on the file of the learned Sessions Judge-cum-Special Judge, Boudh, on such terms to be fixed by the Learned Court in seisin of the matter.

8. The BLAPL thus stands disposed of.

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

(*V.Narasingh*)
Judge

Balaram