

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9051 of 2022

Jitendra Sahoo @ Silu

....

Petitioner

Mr. S.K. Mohanty, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

16.12.2022

Order No.

04.

I.A No.1904 of 2022 & BLAPL No.9051 of 2022

1. Learned counsel for the Petitioner does not want to press the I.A for interim bail.
2. Accordingly, the I.A stands dismissed as not pressed.
3. Heard learned counsel for the Petitioner and learned counsel for the State.
4. The Petitioner is an accused in Special G.R. Case No.90 of 2022 pending on the file of learned Special Judge-cum-Sessions Judge, Nayagarh, arising out of Daspalla P.S. Case No.152 of 2022, for commission of offence under Section 20(b)(ii)(c)/29/25 of the N.D.P.S Act and Section 25 of the Arms Act.
5. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge-cum-Special Judge, Nayagarh by order dated 29.08.2022 in the aforementioned case, the present BLAPL has been filed.

6. It is submitted by the learned counsel that the Petitioner is in custody since 22.07.2022 and charge sheet has been filed on 14.12.2022.
7. It is submitted that the Petitioner, without inkling that the contraband was being carried in the vehicle, was travelling as a passenger. And, to his ill luck from the vehicle the contraband (Ganja) to the tune of 22 Kg. 515 grams was seized. It is stated that the Petitioner is the victim of the circumstance and as such conscious exclusive possession cannot be attributed to him.
8. Learned counsel for the State opposes the prayer, inter alia, relying on Section 37 of the N.D.P.S Act.
9. Considering the manner in which the seizure is effected, 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.
10. Learned counsel for the Petitioner submits that he is not in a position to apprise this Court about the criminal antecedent of the Petitioner.
11. 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.
12. The BLAPL thus stands disposed of.
13. Urgent certified copy of this order be granted as per rules.

(V. NARASINGH)
Judge

PKS