

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9308 of 2022

***Sunil Kumar Swain and
another***

....

Petitioners

Mr. J.K. Panda, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

**ORDER
27.10.2022**

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioners and learned counsel for the State.
3. The petitioners are accused in T.R. Case No.352 of 2022, pending in the file of learned District and Sessions Judge, Khurda, Bhubaneswar, arising out of Tamando P.S. Case No.213 of 2022, offence under Sections 20(b)(ii)(C) of the NDPS Act and is in custody since 09.09.2022.
4. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned District and Sessions Judge, Khurda, Bhubaneswar by order dated 14.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that only incriminating material to connect the petitioners with the crime is that he along with others started running on seeing the police personnel and it is stated that there is no other material to connect

him with the seizure of 21 kgs of contraband from a broken house at the backside of the Hyundai Show room.

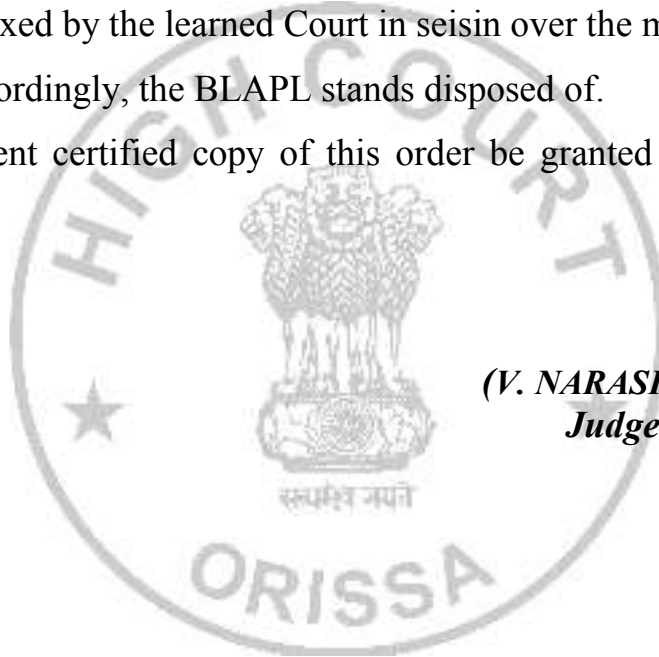
6. It is further submitted that as such conscious exclusive possession cannot be attributed to the petitioners so as to attract the bar under Section 37 of the NDPS Act.

7. Learned counsel for the State opposes the prayer for bail.

8. Keeping in view the manner in which the seizure was affected and the quantity thereof and filing of charge sheet as noted, this Court directs the petitioners to be released on bail on such terms to be fixed by the learned Court in seisin over the matter.

9. Accordingly, the BLAPL stands disposed of.

10. Urgent certified copy of this order be granted as per the rules.



(V. NARASINGH)
Judge

Santoshi