

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9940 of 2022

Rajesh Mahato

....

Petitioner

Mr. J. Khansama, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. M. Mishra, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
29.11.2022

Order No.

02.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. The petitioner is an accused in 2(a) CC Case No.10/207 of 2022, pending on the file of learned Additional Sessions Judge, Sundargarh, arising out of Sadar Range P.R. Case No.19 of 2022-23, for commission of alleged offences under Section 20(b)(ii)(C) of the NDPS Act.
3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Additional Sessions Judge, Sundargarh by order dated 29.09.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted by the learned counsel for the petitioner that the petitioner is in custody since 13.06.2022 and charge sheet has been filed on 10.08.2022.

5. It is submitted by the learned counsel for the petitioner that the seizure was from a public place and as such conscious exclusive possession cannot be attributed to the petitioner and he is the victim of the circumstance. It is said that since investigation has been concluded, he may be released on bail.

6. Learned counsel for the State opposes the prayer for bail inter alia, relying on the bar contained under Section 37 of the NDPS Act.

7. Considering the manner of seizure and the contraband being to the tune of 25 gm, 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. It is stated that the petitioner has one criminal antecedent though not of similar nature. Learned Court is called upon to verify such assertion. If it comes to fore that the petitioner has more than one antecedent and they are of similar nature, this order shall stand recalled without any further reference to this Court.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge