

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No.11365 of 2022**

***Ruben Digal***

....

***Petitioner***

Mr. A.R. Panda, Advocate

*-versus-*

***State of Odisha***

....

***Opposite Party***

Mr. A. Pradhan, ASC

**CORAM: JUSTICE V. NARASINGH**

**ORDER**  
**20.12.2022**

**Order No.**

**01.**

1. Heard learned counsel for the Petitioner and learned counsel for the State.
2. The Petitioner is an accused in connection with C.T Case No.47 of 2022, pending in the Court of the learned Sessions Judge-cum-Special Judge, Phulbani, arising out of Phiringia P.S. Case No.114 of 2022, for alleged 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 Special Judge, Phulbani, by order dated 14.11.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted by the learned counsel that the manner in which the seizure has been effected from the public place, conscious exclusive possession cannot be readily attributed to the

Petitioner and as charge sheet has been submitted in the meanwhile, his further continuance in custody is not warranted.

5. He further submits that the Petitioner earlier moved this Court in ABLAPL No.9804 of 2022 and in terms of the order dated 17.08.2022 he surrendered and was remanded to custody.

6. Learned counsel for the State opposes the prayer for bail relying on Section 37 of the N.D.P.S Act.

7. Taking into account the conduct of the Petitioner, this Court directs the Petitioner to be released on bail on such terms to be fixed by the Court in seisin over the matter.

8. Learned counsel for the Petitioner submits that he is not in a position to apprise this Court about the criminal antecedent of the Petitioner.

9. 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.

10. The BLAPL thus stands disposed of.

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

**(V. NARASINGH)**  
**Judge**

PKS