

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 363 of 2021

Chaitan Bhuinhar

....

Petitioner

Mr. S.K. Panda, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

04.04.2022

Order No.

07.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner is an accused in 2 aCC Case No.01 of 2020, on the files of learned District Judge, Jharsuguda, arising out of P.R. No.134 of 2020-21, under Sections 20(b)(ii)(c) of NDPS Act and is in custody since 17.11.2020.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Special Judge, Jharsuguda, by order dated 12.01.2021 in the aforementioned case, the present BLAPL has been filed.

5. Learned counsel for the petitioner submits that from the nature of the quantity seized fallacious vehement of the contraband cannot be ruled out, so as to attract the bar under Section 37.

6. It is stated that the petitioner has no criminal proclivity and he is a victim of the circumstances.

7. Per contra the learned counsel for the State opposes the move in view of the bar under Section 37 of the NDPS Act.

8. Considering such submissions this Court directs the petitioner to be released on bail on such terms to be fixed by the Court in seisin of the matter. An additional condition that petitioner shall furnish two local sureties and cash security of Rs.20,000/- and that the petitioner shall appear in the jurisdictional police station of the learned court in seisin of the matter on 18th of every month, first of such date to be 18.04.2022 till the conclusion of the trial.

9. Violation of any of the condition stated above shall entail cancellation of the bail.

10. Accordingly the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi