

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No. 1408 OF 2021

Kamala Kanta Barik

..... ***Petitioner***
Mr. U.R.Jena, Adv.

-versus-

State of Odisha

..... ***Opposite Party***
Mr. K.K.Gaya, ASC

CORAM:
JUSTICE V. NARASINGH

ORDER
10.05.2022

Order No.
07.

1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel for the parties.
3. The Petitioner is an accused in connection with Special (NDPS) Case No. 10 of 2021 arising out of Naikanidihi P.S. Case No. 18 of 2021 on the file of learned Sessions Judge-cum-Special (NDPS) Judge, Bhadrak, registered for the alleged commission of offence under Section 20(b)(ii)(C) of the NDPS Act
4. Being aggrieved by the rejection of his application for bail U/s 439 Cr.P.C. by order dated 20.01.2021, the present BLAPL has been filed.
5. Learned counsel for the petitioner submits taking into account the quantity of contraband seized, the wrong weighment cannot be ruled out so as to bring it within the fold of commercial quantity.

6. Learned counsel for the State submits that such submission by the accused-petitioner is a figment of imagination and has no legs to stand and the bail application is liable to be rejected in view of the bar contained under Section 37 of the NDPS Act.

7. Taking into account the quantity of contraband seized, the period of custody and the manner of seizure, 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.

08. Accordingly, the BLAPL stands disposed of.

09. Issue urgent certified copy of this order as per Rules.

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