

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 1490 OF 2021

Surajit Das

**..... *Petitioner*
*Mr. N.R. Sahoo, Adv.***

-versus-

State of Odisha

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

**CORAM:
JUSTICE V. NARASINGH**

**ORDER
29.03.2022**

**Order No.
07.**

1. This matter is taken up through Hybrid Mode.
2. The petitioner is accused in connection with T.R. Case No.57 of 2020 corresponding to Orkel P.S. Case No. 103 of 2020, pending on the file of the learned Sessions Judge-Cum-Special Judge, Malkangir, for the alleged commission of offence under Sections-20(b)(ii)(C) of the N.D.P.S. Act and the petitioner is in custody since 30.01.2021.
3. Being aggrieved by the rejection of his application for bail U/s. 439 Cr.P.C. by the learned Sessions Judge-cum-Special Judge, Malkangir by Order dtd. 03.02.2021 in T.R. Case No.57 of 2020, the present BLAPL has been filed.

4. Heard Mr. N.R. Sahoo, learned counsel for the petitioner and Mr. K.K. Gaya, learned Additional Standing Counsel for the State.

5. The uncontroverted fact as borne out of from the recitals in the Case Diary is that the basis of implication of the petitioner is the statement of co-accused who are apprehended at the spot.

6. It is urged by the Learned counsel for the petitioner that since there is no recovery from him the exclusive conscious possession cannot be attributed to him and since charge-sheet has already been filed further continuance is unwarranted.

7. Learned counsel for the State refutes such submission and states that the petitioner managed to escape and the contention of false implication cannot be taken into account at this stage of bail in view of specific bar under Section 37 of the NDPS Act.

8. Taking into account the period of detention i.e., from 31.01.2021 and in view of the law laid down by the Apex in the case of *Tofan Singh Vs. State of Tamilnadu* reported in (2020) 80 OCR (SC)-641, this Court directs, the petitioner shall be released on bail, in connection with T.R. Case No.57 of 2020 corresponding to Orkel P.S. Case No. 103 of 2020, pending on the file of the learned Sessions Judge-Cum-Special Judge,

Malkangir, on such terms to be fixed by the learned Court in seisin of the matter.

9. The Bail Application thus stands disposed of.
10. Urgent certified copy of this order be granted as per rule.

Balaram

*(V.Narasingh)
Judge*

