

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No. 1578 OF 2021

Bashishth Kumar

..... ***Petitioner***
Mr. B.K.Bal, Adv.

-versus-

State of Odisha

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

CORAM:
JUSTICE V. NARASINGH

ORDER
10.05.2022

Order No.
08.

1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
3. The Petitioner is an accused in connection with T.R. Case No. 30 of 2021 arising out of Muniguda P.S. Case No. 18 of 2021 on the file of learned Additional Sessions Judge-cum-Special Judge, Gunupur, registered for the alleged commission of offence under Section 20(b)(ii)(C)/29 of the NDPS Act
5. Being aggrieved by the rejection of his application for bail U/s 439 Cr.P.C. by the learned Additional Sessions Judge-cum-Special Judge, Gunupur, by order dated 18.02.2021, the present BLAPL has been filed.
6. Learned counsel for the petitioner submits that though the petitioner is in custody since 3.02.2021, there has been no progress in trial. It is further submitted that petitioner has no

criminal proclivity and from the manner of the seizure it cannot be said that the petitioner had conscious exclusive possession.

7. Per contra, learned counsel for the State opposes for grant of bail relying on the bar contained under Section 37 of the NDPS Act.

8. Considering the manner of seizure and the period in custody awaiting trial and placing reliance on the judgment of the Apex Court in the case of **Hussainara Khatoon & Others Vrs. State of Bihar**, reported in 1979 AIR 1369, 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 including the condition that the petitioner shall submit cash security to the tune of Rs.50,000/- (Rupees fifty thousand) and shall appear before the jurisdictional Police Station once in every month. The date of which shall be fixed by the learned court.

9. It is needless to state that violation of the stipulation relating to appearance before the jurisdictional Police Station shall entail cancellation in accordance with law without any further reference to this Court.

10. The BLAPL is accordingly disposed of.

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

(*V.Narasingh*)
Judge