

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 2056 of 2021

Dhanapati Gadaba

....

Petitioner

Mr. M. Padhy, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

28.06.2022

Order No.

02.

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 T.R. Case No.72 of 2020, on the files of learned District & Sessions Judge-cum-Special Judge, Koraput, At-Jeypore, arising out of Kotpad P.S. Case No.164 of 2020, under Sections 20(b)(ii)(c) of the NDPS Act and is in custody since 24.09.2020.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge-cum-Special Judge, Koraput, At-Jeypore, by order dated 01.03.2021 in the aforementioned case, the present BLAPL has been filed.

5. Taking into account that the petitioner is in custody since 24.09.2020, the quantity of the contraband seized and considering the submission that trial has not commenced, in view of the law laid down by the Apex Court in the case of *Hussainara Khatoon & Ors vs. State of Bihar* reported in (1980) 1 SCC 81, this Court directs the petitioner to be released on bail on such terms to be fixed by the Court in seisin of the matter.

6. Accordingly, the BLAPL stands disposed of.

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

Santoshi

