

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 2182 OF 2021

Birendra Khosla

..... *Petitioner*
Mr. D.R. Bhokta, Advocate

-versus-

State of Odisha

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

CORAM:
JUSTICE V. NARASINGH

ORDER
24.06.2022

Order No.
08.

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 connection with T.R. Case No. 02 of 2021 corresponding Jeypore Sadar P.S. Case No. 03 of 2021, pending on the file of the learned Sessions Judge-cum-Special Judge, Korapur-Jeypore for the alleged commission of offence under Sections-20(b)(ii)(C)/27-A of the NDPS Act. The petitioner is in custody since 05.01.2021.
4. Being aggrieved by the rejection of his application for bail U/s. 439 Cr.P.C. by the learned Sessions Judge, Korapur-Jeypore by Order dtd. 01.03.2021 in T.R. No.02 of 2021, the present BLAPL has been filed.

5. Learned counsel for the petitioner on the basis of the F.I.R. submits that, it is on record that the petitioner was an occupant of Maruti -800 Car bearing Registration No. OR-10B-8981 and the contraband seized was to the tune of 39 Kg. 800 Grms.. It is further submitted that in the meanwhile charge sheet has already been filed and the petitioner being a local person, there is no chance of his absconding.

6. Learned counsel for the State oppose the prayer for bail inter alia on the ground that in view of the Bar contained under Section-37 of the NDPS Act, the bail application of the petitioner does not deserve the consideration of this Court. It is stated at the Bar that the trial has not commenced, though the petitioner is stated to be in custody since 05.01.2021.

7. Taking note of the same and the manner in which the seizure has been effected and relying on the judgment of the Apex in the case of *Hussainara Khatoon & Others Vrs. State of Bihar*, reported in (1980) 1 SCC 81, this Court directs the petitioner shall be released on bail on such terms to be fixed by the learned Court in seisin over the matter, so as to ensure his presence on each date of trial.

8. The BLAPL thus stands disposed of.

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