

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No. 2344 OF 2020

Jitendrra Kumar Sethi

..... ***Petitioner***
M/S. Kaustuva Mohanty, Advocate

-versus-

State of Odisha

..... ***Opposite Party***
Ms. S.Mishra, ASC

CORAM:
JUSTICE V. NARASINGH

ORDER
04.05.2022

Order No.
09.

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 G.R. Case No.19 of 2019 arising out of Khalikote P.S. Case No. 320 of 2019 on the file of learned Addl. Sessions Judge-cum-Special Judge, Khalikote, registered for the alleged commission of offence under Sections 20(b)(ii) (C)/25/29 of the NDPS Act.
4. Being aggrieved by the rejection of his application for bail U/s 439 Cr.P.C. by the learned Addl. Sessions Judge-cum-Special Judge, Khalikote by order dated 19.02.2020, the present BLAPL has been filed.
5. Learned counsel for the petitioner submits that he is the driver-cum-owner of the vehicle from which the contraband was seized.

6. It is submitted that he was plying the vehicle to earn his livelihood and had no knowledge about the contraband being carried in the vehicle by the occupant.

7. Learned counsel for the State on the basis of the materials on record submits that, plea of innocence of the petitioner cannot be taken into account at this stage in view of bar under Section 37 of the NDPS Act.

8. Perused the report of the learned Additional District & Sessions Judge-cum-Special Judge, Khallikote, dated 19.01.2022, inter alia indicating that inspite of summons being issued, there is no attendance of the material witnesses.

9. Taking into account the nature of the allegation and there being no progress in the trial and since the petitioner is stated to have no criminal proclivity, this Court directs the Petitioner to be released on bail keeping in view the law laid down by the Apex Court in the case of **Hussainara Khatoon & Others Vrs. State of Bihar**, reported 1979 AIR 1369 on such terms to be fixed by the learned court in seisin over the matter so as to ensure his attendance on each date of trial.

10. Accordingly, the BLAPL stands disposed of.

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

(*V.Narasingh*)
Judge

Dhal