

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 3057 of 2022

Gangadhar Barada

....

Petitioner

Mr. K. Mishra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. D. Mund, AGA

CORAM: JUSTICE V. NARASINGH

ORDER
12.05.2022

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 C.T. Case No.25 of 2021, on the files of learned Sessions Judge-cum-Special Judge, Phulbani, arising out of Phiringia P.S. Case No.34 of 2021, under Sections 20(b)(ii)(c)/25/29 of NDPS Act and is in custody since 23.03.2021.
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, Phulbani, by order dated 30.03.2021 in the aforementioned case, the present BLAPL has been filed.
5. Learned counsel for the petitioner submits that he is the pillion rider of the bike, in which the contraband was being carried. It is submitted that the petitioner had no clue of such contraband being carried in the bike.
6. Learned counsel for the petitioner further submits that though he is in custody since 22.03.2021 trial has not commenced

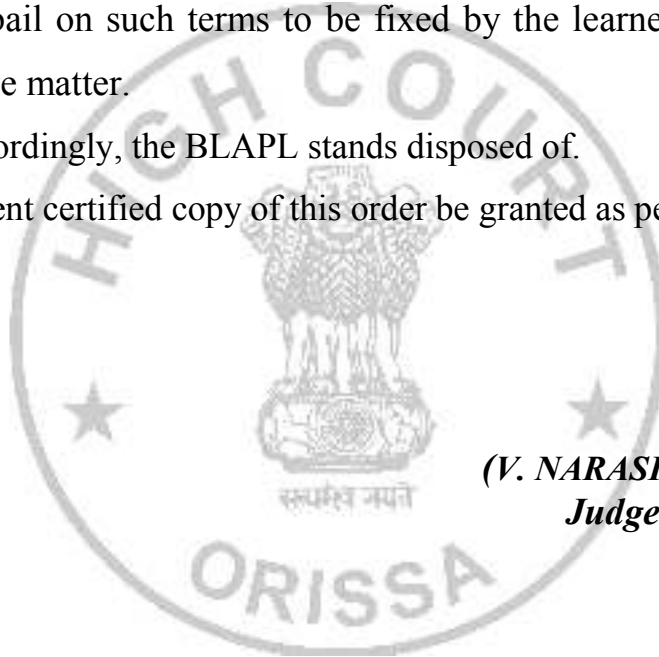
and placing reliance on the judgment of Apex Court in the case of *Hussainara Khatoon & Ors vs. State of Bihar* reported in *1979 AIR 1369*, learned counsel for the petitioner seeks release of the petitioner.

7. Learned counsel for the State opposes the prayer for bail and submits that the plea of innocence as advanced cannot be considered at this stage in view of the bar contained under Section 37 of the NDPS Act.

8. On a conspectus of materials on record and taking into account the period of custody, the petitioner is directed to be released on bail on such terms to be fixed by the learned Court in seisin over the matter.

9. Accordingly, the BLAPL stands disposed of.

10. Urgent certified copy of this order be granted as per rules.



(V. NARASINGH)
Judge

Santoshi