

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No. 3393 OF 2021

Haresh Ranjan Hota

..... ***Petitioner***
Mr. B.S.Dasparida, Adv.

-versus-

State of Odisha

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

CORAM:
JUSTICE V. NARASINGH

ORDER
11.05.2022

Order No.

07.

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 T.R.. Case No.24 of 2021 arising out of Jeypore Sadar P.S. Case No. 57 of 2021 on the file of learned Sessions Judge-cum-Special Judge, Koraput-Jeypore for the alleged commission of offence under Section 20(b)(ii)(c) of the NDPS Act.
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-Jeypore, by order dated 06.04.2021, the present BLAPL has been filed.
5. Learned senior counsel being assisted by Mr. B.S.Dasparida, learned counsel for the petitioner submits that the petitioner is the driver-cum-owner of the vehicle from which contraband was seized. It is further submitted that he was plying the vehicle to earn his livelihood and had no clue

about the goods being carried in the vehicle. As such, conscious exclusive possession cannot be attributed to him. It is further submitted that though he is in custody since 2.04.2021, trial has not commenced and hence, placing reliance on the judgment of the Apex Court in the case of Hussainara **Khaton & Others Vrs. State of Bihar**, reported in 1979 AIR 1369, prays to be released on bail.

6. Learned counsel for the State opposes, in view of the bar contained under Section 37 of the NDPS Act.

7. On a conspectus of materials on record and role ascribed to the petitioner, 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.

8. The BLAPL is accordingly disposed of.

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

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