

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 3940 OF 2021

Dillip Palei

..... *Petitioner*
Mr. B.R. Tripathy, Advocate

-versus-

State of Odisha

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

CORAM:
JUSTICE V. NARASINGH

ORDER
26.04.2022

Order No.
04.

1. This matter is taken up through Hybrid Mode.
2. It is submitted by Mr. B.R. Tripathy that he has filed Vakalatanama on 06.11.2021. Photostat copy of the said Vakalatanama filed in Court by way of memo is taken on record.
3. The name of Mr. B.R. Tripathy, learned counsel for the petitioner be reflected on the file and the cause list.
4. The petitioner is an accused in G.R. Case No. 5 of 2021(N) pending on the file of the Learned Additional Sessions Judge-cum-Special Judge, Khallikote, arising out of Rambha P.S. Case No. 170 of 2021, for commission of alleged offence under Sections-20(b)(ii)(C) of N.D.P.C., Act and is in custody since 16.04.2021.

5. Being aggrieved by the order dtd. 26.11.2020 passed by the Learned Additional Sessions Judge-cum-Special Judge, Khallikote in G.R. Case No. 5 of 2021(N), rejecting the bail application of the petitioner, the present BLAPL has been filed.

6. Heard Mr. B.R. Tripathy, learned counsel for the petitioner and Mr. K.K. Gaya, learned Additional Standing Counsel for the State.

7. It is stated by the learned counsel for the petitioner that from the manner in which the seizure has been effected, wrong weighment so as to bring it within the fold of commercial quantity, in the factual matrix in the case at hand cannot be ruled out.

8. Learned counsel for the State submits that such submission of the learned counsel for petitioner is untenable and also in view of the statutory bar, the petitioner is not entitled to be released on bail.

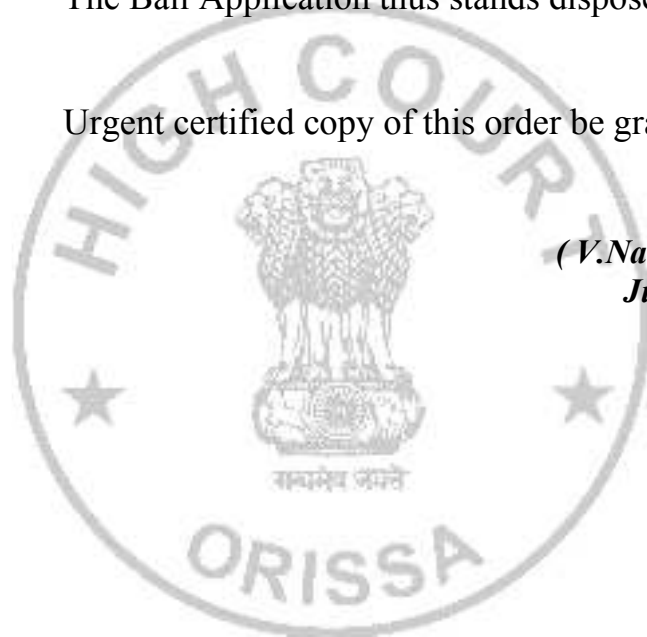
9. Considering the quantity of contraband seized and that the petitioner is in custody since 16.04.2021, this trial has not been commenced and taking note that the petitioner has no criminal proclivity, it is directed that, the petitioner shall be released on bail on such terms to be fixed by the learned counsel in seisin over the matter.

10. It shall be open to the learned Court in seisin over the matter to verify regarding the criminal antecedent of similar nature of the petitioner at the time of release of the petitioner. If it comes to the fore that the petitioner has any criminal antecedent of similar nature, the present order shall stand recalled without any further reference to this Court.

11. The Bail Application thus stands disposed of.

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

Balaram



*(V.Narasingh)
Judge*