

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 4039 OF 2021

Binoti Harijan

**..... Petitioner
*Mr. R.L. Pattnaik, Advocate***

-versus-

State of Odisha

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

**CORAM:
JUSTICE V. NARASINGH**

**ORDER
20.06.2022**

**Order No.
04.**

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 Nabarangpur P.S. Case No. 154 of 2021 corresponding to Special T.R. Case No.27 of 2021 on the file of learned Sessions Judge-cum-Special Judge, Nabarangpur, registered for the alleged commission of offence under Sections 20(b)(ii)C/ 29 of the NDPS Act. The petitioner is in custody since 06.04.2021.
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, Nabarangpur, by order dated 20.04.2021 in T.R. Case No. 27 of 2021, the present BLAPL has been filed.
5. Learned counsel for the petitioner submits that from the manner of the seizure conscious and exclusive possession cannot

be attributed to the petitioner. It is further submitted that from the quantity of the contraband seized the wrong weighing of the same cannot be ruled out, so as to bring it within the Bar under Section 37 of the NDPS Act.

7. Per contra, the learned counsel for the State submits that the bail application does not merit consideration of this Court.

8. Taking note of the submissions of the learned counsel for the petitioner that the petitioner is in custody since 06.04.2021, the manner of seizure and the quantity of contraband seized, this Court directs that the petitioner shall be released on bail on such terms to be fixed by the court in seisin of the matter including the additional condition that the Petitioner shall appear in person before the local Police Station once every week within 10.00 A.M to 2.00 P.M. till the conclusion of trial.

9. Accordingly, the BLAPL stands disposed of.

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

(V.Narasimha)
Judge

Balaram