

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 4216 OF 2021

Hemaraj Karuan

***..... Petitioner
Mr. Panchanan Panigrahi, Adv.***

-versus-

State of Orissa

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

**CORAM:
JUSTICE V. NARASINGH**

**ORDER
06.04.2022**

Order No.
03.

1. This matter is taken up through Hybrid Mode.
2. The petitioner is an accused in connection with T.R. Case No. 10 of 2021 on the file of the Learned Sessions Judge, Rayagada, arising out of Rayagada Sadar Excise P.R. No. 206 of 20202021, for commission of alleged offence under Sections-20(b)(ii)(C) of N.D.P.C., Act, and is in custody since 23.03.2021.
3. Being aggrieved by the order dtd. 18.12.2020 passed by the Learned District & Sessions Judge, Rayagada in T.R. No. 10 of 2021, rejecting the bail application of the petitioner, the present BLAPL has been filed.
4. Heard Mr. P. Panigrahi, learned counsel for the petitioner and Mr. K.K. Gaya, learned Additional Standing Counsel for the State.

5. Learned Counsel for the Petitioner submits that the petitioner is earning his livelihood by running a Pan shop and he has no knowledge regarding the contraband stated to have been recovered from his shop and as such he is a victim of circumstance.

6. Learned counsel for the State referring to the seizure from the shop of the petitioner refutes such submission and states that in view of the Bar under Section-37 of the NDPS Act, the petitioner is not entitled to the discretion of this Court.

7. Taking into account, the manner in which the seizure has been effected conscious exclusive possession cannot be readily attributable to the petitioner and taking into account that the petitioner is in custody since 23.03.2021, that he has no criminal proclivity and the trial has not commenced, this court directs the petitioner shall be released on bail, on such terms to be fixed by the learned Court in seisin of the matter, including the conditions that he shall appear in person before the jurisdictional Police Station once every month. The date of such first appearance to be fixed by the learned Court below.

8. The Bail Application thus stands disposed of.

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