

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 5504 of 2022

Kishan Kumar Khemudu

....

Petitioner

Mr. A.N. Pattanayak, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
15.09.2022

Order No.

02.

I.A. No.1297 of 2022

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. Learned counsel for the petitioner does not want to press this bail application.
4. The I.A. stands disposed of as not pressed.

(V. NARASINGH)
Judge

BLAPL No.5504 of 2022

Order No.

03.

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 accused in Jeypore Sadar P.S. Case No.158 of 2020 corresponding to T.R. Case No.64 of 2020, pending in the Court of learned Additional Sessions Judge-cum-Special Judge, Koraput, for alleged commission of offences under Section 20(b)(ii)(C) NDPS Act.

4. Being aggrieved by the Rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge-cum-Special Judge, Jeypore, by order dated 10.05.2022 in the aforementioned case, the present BLAPL has been filed.

5. It is submitted by the learned counsel for the petitioner with vehemence that there are no materials on record to connect the petitioner with the alleged crime and it is submitted that admittedly the petitioner was going on a bike and has been a victim of the circumstances.

6. Learned counsel for the State opposes the prayer for bail inter alia the recitals in the Case Diary.

7. This Court had occasion to peruse the F.I.R. and the final form which has been submitted. It is on record that admittedly, the petitioner was going on a bike and when the Investigating Agency tried to stop the bike along with truck from which the contraband was seized, the riders of bike as well as the truck tried to flee away and were detained on being chased,

8. Such conduct of the petitioner is considered the view of this Court prima facie reflects the complicity of the

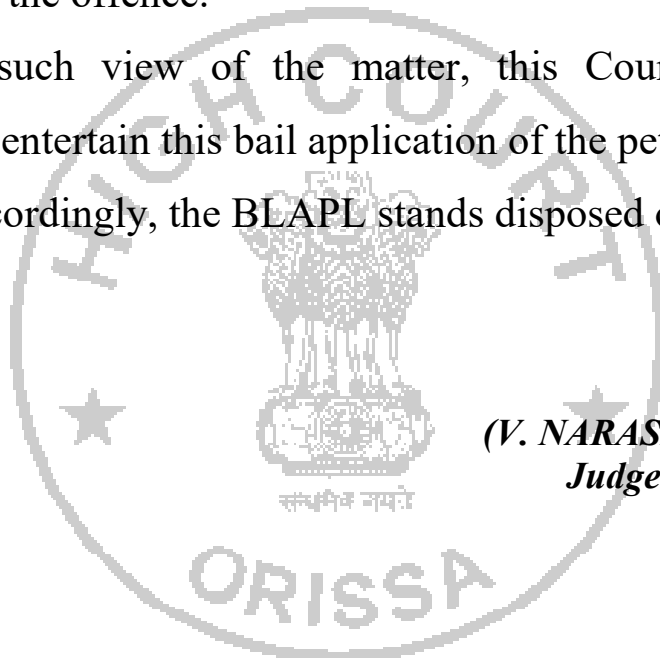
petitioner and keeping in view the proviso Section 8 of the Evidence Act.

9. Even otherwise, this Court is not persuaded to hold that the petitioner is able to cross the hurdle of not being prima facie involved in the case as mandated under Section 37 of the NDPS Act and from the conduct of the petitioner, this Court is constrained to hold that there is no material on record to show that on being released, the petitioner shall not commit the offence.

10. In such view of the matter, this Court is **not inclined** to entertain this bail application of the petitioner.

11. Accordingly, the BLAPL stands disposed of.

Ayesha



(V. NARASINGH)
Judge