

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No. 4727OF 2021

Raj Kumar Pal

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

-versus-

State of Odisha

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

CORAM:
JUSTICE V. NARASINGH

ORDER
25.04.2022

Order No.
04.

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 Excise P.R. No. 157/2020-21 corresponding to 2(a) C.C. Case No. 1 of 2021 on the file of learned Sessions Judge-cum-Special Judge, Berhampur registered for the alleged commission of offence under Sections 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, Berhampur by order dated 07.04.2021, the present BLAPL has been filed
5. Learned counsel for the petitioner places on record of the statement of P.W.1 an independent witness to the seizure.
6. On perusal of the said statement, it is seen that he has not supported the case of the prosecution.

7. Placing reliance on the same prayer to be released on bail is made by the learned counsel for the petitioner.

8. Per contra the learned counsel for the State submits that there are materials on record to indicate complicity of the petitioner and there is another independent witness who is yet to be examined. It is also submitted by the learned counsel for the State that in view of the bar under Section 37 of the NDPS Act it is not open for the Court to scrutinize the evidence at this stage and consider the prayer for bail and accordingly, prays for rejection of the same.

9. Taking note of the fact that the petitioner is in custody since 06.01.2021 and one of the independent witnesses has not supported the prosecution, this Court directs that the Petitioner shall be released on bail on such terms to be fixed by the learned court in seisin over the matter to ensure attendance of the petitioner on each date of trial.

10. Accordingly, the BLAPL stands disposed of.

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

(*V.Narasingh*)
Judge

Dhal