

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 4731 OF 2021

Raghunath Kumar @ Raghunath Kumbar ***Petitioner***
Mr. Manoranjan Padhy, Advocate

State of Odisha ***Opposite Party***
Miss S. Mishra, ASC

CORAM:
JUSTICE V. NARASINGH

ORDER
10.05.2022

Order No.
04.

1. This matter is taken up through Hybrid Mode.
2. The petitioner is an accused in T.R. Case No. 23 of 2021 on the file of the learned Sessions Judge-cum- Special. Judge, Koraput, at Jeypore arising out of Boipariguda P.S. Case No. 52 of 2021 alleged for commission of offence Under Sections- 20(b)(ii)(c) of the NDPS Act.
3. Being aggrieved by the rejection of his application for bail U/Sec. 439 Cr.P.C by the learned. Sessions Judge-cum- Special. Judge, Koraput, at Jeypore by Order dtd. 26.05.2021 in T.R. No. 23 of 2021, the present BLAPL has been filed.
4. Heard Mr. M. Padhy, learned counsel for the petitioner and Miss S. Mishra, learned counsel for the State.

5. Learned counsel for the petitioner submits that from the manner of seizure as stated in the First Information Report (FIR) conscious and exclusive possession cannot be attributed to the petitioner and it is stated that in the background in which the seizure has taken place, his further continuance in custody is punitive and the bar under Section-37 of the NDPS Act shall not come into play in the case at hand.

6. Learned counsel for the State opposes the prayer for bail submitting that at this stage, it is not open to the Court to examine the defence plea of the petitioner when admittedly the contraband seized is beyond commercial quantity.

7. Considering the materials on record and taking into account that trial has not commenced, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin over the matter.

8. The Bail Application thus stands disposed of.

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

Balaram

*(V.Narasingh)
Judge*