

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No. 5022 OF 2021

Niranjan Mohapatra

..... *Petitioner*
Mr. Sangram Kumar Das, Adv.

-versus-

State of Odisha

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

CORAM:
JUSTICE V. NARASINGH

ORDER
13.04.2022

Order No.
05.

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 2(a) CC Case No. 10 of 2021 arising out of G.Udayagiri Excise P.R. No. 16 of 2021 on the file of learned Additional District & Sessions Judge-cum-Special Judge, Balliguda, 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 Additional District & Sessions Judge-cum-Special Judge, Balliguda, by order dated 7.06.2021, the present BLAPL has been filed.
5. Mr. Dharanidhar Nayak, learned Senior Counsel for the Petitioner submits that the petitioner is admittedly driver and had absolutely no knowledge as to the alleged contraband being

carried in the vehicle and as such bar under Section 37 of the NDPS Act is not attracted in the case at hand. He also relies on the order passed by this Court dated 25.08.2021 in BLAPL No. 6603 of 2021 in respect of the co-accused Ramesh Chandra Biswal and seeks bail inter alia on the ground of parity.

6. Per contra, the learned counsel for the State submits that at this stage the grounds advanced regarding innocence of the Petitioner cannot be taken into account. More so when there is a single seizure and the quantity of contraband seized is more than the commercial quantity and in view of the bar under Section 37 of the NDPS Act, the bail application of the petitioner is liable to be rejected.

7. Taking into account the submissions made and keeping in view of the order passed by this Court in respect of co-accused referred to herein above, 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.

8 Accordingly, the BLAPL stands disposed of.

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

(*V.Narasingh*)
Judge

Dhal