

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6105 OF 2022

Raju @ Rajendra Sahoo

***..... Petitioner
Mr. T.K. Mohanty, Advocate***

-versus-

State of Odisha

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

**CORAM:
JUSTICE V. NARASINGH**

**ORDER
22.07.2022**

Order No.

01.

1. This matter is taken up through Hybrid Mode.
2. The petitioner is an accused in connection with Special G.R. Case No. 17 of 2022 (Special C.T. No. 11 of 2022) arising out of Kundheigola P.S. Case No. 132 of 2022, pending on the file of the learned District & Sessions Judge, Deogarh for the alleged commission of offence under Sections-20(b)(ii)(C)/ 27(A)/29 of NDPS Act.
3. Being aggrieved by the rejection of his application for bail U/s. 439 Cr.P.C. by the learned Sessions Judge, Deogarh by Order dtd. 29.04.2022 in Special C.T. Case No.11 of 2022, the present BLAPL has been filed.
4. Heard learned counsel for the petitioner and learned Counsel for the State.
5. It is submitted by the learned counsel for the petitioner that the petitioner was a pillion rider in an Activa Scooty and as

such the conscious and exclusive possession cannot be attributed to him.

6. The learned counsel for the State opposes the prayer for bail, inter alia relying on the bar enacted under Section-37 of the N.D.P.S. Act.

7. Taking into account the period of custody and quantity of contraband seized (21 Kgs. 655 grams) and considering the submission of the learned counsel for the petitioner that wrong weighment cannot be ruled out, this Court directs the petitioner to be released on bail on such terms and conditions 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