

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No. 6441 of 2022**

***MD. Kalia***

***.... Petitioner***

Mr. B. K. Ragada, Advocate

***-versus-***

***State of Odisha***

***.... Opposite Party***

Mr. Karunakar Gaya, ASC

**CORAM: JUSTICE V. NARASINGH**

**ORDER**  
**06.09.2022**

**Order No.**

**02.**

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 an accused in T.R. Case No.176 of 2022 pending in the file of learned Sessions Judge, Khurda at Bhubaneswar, arising out of Bharatpur P.S. Case No.166 of 2022, offence under Sections 20(b)(ii)(C) of the NDPS Act and is in custody since 05.05.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge, Khurda at Bhubaneswar by order dated 29.06.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that from the quantity of contraband seized wrong weighment cannot be

ruled out so as to attract the bar contained under Section 37 of the NDPS Act.

6. Learned counsel for the State opposes the prayer for bail placing reliance on the manner in which the seizure was affected from the exclusive conscious possession of the petitioner.

7. Taking into account the quantity of contraband seized, this Court directs the petitioner to be released on bail on such terms to be fixed by the Court in seisin over the matter.

8. It is submitted by the learned counsel for the petitioner that the petitioner has no criminal proclivity. While enlarging the petitioner on bail the learned court below shall verify such assertion. If it comes to the fore that the petitioner has any criminal antecedent this order shall stand recalled.

9. Accordingly, the BLAPL stands disposed of.

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

*Santoshi*

(V. NARASINGH)  
*Judge*