

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No. 5594 OF 2021

Rabindra Gouda

..... ***Petitioner***
Mr. M.Padhy, Adv.

-versus-

State of Odisha

..... ***Opposite Party***
Ms. P.Mohapatra, ASC

CORAM:
JUSTICE V. NARASINGH

ORDER
21.06.2022

Order No.
04.

1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
3. The Petitioner is an accused in connection with T.R. Case No.63 of 2021 arising out of Mohana P.S. Case No. 94 of 2021 on the file of learned District and Sessions Judge, Gajapati, Paralakhemundi registered for the alleged commission of offence under Sections 20(b)(ii)(C)/25&29 of the NDPS Act.
4. Being aggrieved by the rejection of his application for bail U/s 439 Cr.P.C. by the learned District and Sessions Judge, Gajapati, Paralakhemundi by order dated 26.05.2021, the present BLAPL has been filed
5. Learned counsel for the petitioner submits that the petitioner being a helper and the manner in which seizure has been effected conscious exclusive possession cannot be attributed to him and taking

into account the period of custody since 27.04.2021, he seeks the indulgence of this Court.

6. Per contra, the learned counsel for the State opposes the prayer in view of the bar contained under Section 37 of the NDPS Act.

7. Keeping in view the period of custody and non-commencement of trial and the manner of seizure and in view of the judgment of the Apex Court in the case in the case of **Hussainara Khatoon & others Vrs. Statre of Bihar**, reported in (1980) 1 SCC 81, 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.

08. Accordingly, the BLAPL stands disposed of.

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

(*V.Narasingh*)
Judge

Dhal

