

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 5717 OF 2021

Lipun Digal

..... *Petitioner*

Mr. A.R.Panda, Adv.

-versus-

State of Odisha

..... *Opposite Party*

Mr. K.K.Gay, ASC

CORAM:

JUSTICE V. NARASINGH

ORDER

09.05.2022

Order No.

03.

1. This matter is taken up through Hybrid Mode.
2. The petitioner is an accused in connection with Spl. Case No. 13 of 2021 corresponding Bhanjanagar P.S. Case No. 129 of 2021, pending on the file of the learned Additional Sessions Judge-cum-Special Judge, Bhanjanagar for the alleged commission of offence under Sections-20(b)(ii)(C) of the NDPS Act and the petitioner is in custody since 01.04.2021.
3. Being aggrieved by the rejection of his application for bail U/s. 439 Cr.P.C. by the learned Additional Sessions Judge-cum-Special Judge, Bhanjanagar by Order dtd. 16.04.2021 in Special Case No.13 of 2021, the present BLAPL has been filed.
4. Heard learned Counsel for the petitioner and learned Additional Standing Counsel for the State.

5. Learned counsel for the petitioner submits that the petitioner is a owner of Fast Food centre where the other accused persons had come as customers in an auto-rickshaw. As ill-luck would have, the contraband Ganja to the tune of 30 Kg. 420gms. was recovered from the auto-rickshaw. And, though the petitioner has no link with the other accused persons who came to his fast food shop as customers yet he has been falsely implicated and is in custody on 01.04.2021.

6. Learned counsel for the State relying on the bar under Section-37 of the NDPS Act submits that it is not open for the Court to consider the complicity of the petitioner at this Stage and seeks dismissal of the Bail Application.

7. Taking into account, the manner of recovery of the contraband from the auto-rickshaw and considering the submissions of the petitioner and being cognizant of the fact that the trial has not commenced and the period of detention, this Court directs the petitioner shall be released on bail in connection with Spl. Case No. 13 of 2021 corresponding Bhanjanagar P.S. Case No. 129 of 2021, pending on the file of the learned Additional Sessions Judge-cum-Special Judge, Bhanjanagar, on such terms to be fixed by the learned Court in seisin over the matter.

8. The BLAPL thus stands disposed of.

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

(V.Narasingh)
Judge