

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No. 5896 OF 2021

Abhijit Mahuria

..... *Petitioner*
Mr. S.K.Dash, Adv.

-versus-

State of Odisha

..... *Opposite Party*
Ms. S.Mishra, ASC

CORAM:
JUSTICE V. NARASINGH

ORDER
29.04.2022

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.08 of 2021 arising out of Similiguda P.S. Case No. 14 of 2021 on the file of learned Additional Sessions Judge-cum- Special Judge, Koraput, 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 Additional Sessions Judge-cum- Special Judge, Koraput by order dated 14.07.2021, the present BLAPL has been filed
5. Learned counsel for the petitioner submits that the basis of implication is being by virtue of co-accused statement of one Padu Patra from whose exclusive possession the contraband was seized.

Hence, it is prayed that the bar under Section 37 of the NDPS Act is not attracted in the case at hand.

6. Learned counsel for the State referring to the recitals in the Case Diary and the antecedents of the petitioner submits that the case at hand does not merit the consideration of this Court and the bail application is liable to be rejected.

7. It is seen that the petitioner has been released on bail by this Court vide order dated 22.07.2021 in BLAPL No. 5496 and order dated 1.09.2021 in BLAPL No. 6849 of 2021 and the petitioner is stated to be remanded in this case on 17.06.2021.

8. On perusal of the recitals in the F.I.R. and on considering the submission of the learned counsel for the State that the implication of the petitioner is on the basis of statement of the co-accused which is not refuted by the learned State Counsel and in terms of the law laid down by the Apex Court in the case of **Tofan Singh Vrs. State of Tamilnadui**, reported in (2020) 80 OCR (SC) 641, 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.

9. It is additionally directed that the petitioner shall appear before the jurisdictional Police Station once every 15 days till conclusion of the trial.

10. Any default in appearance before the Police Station as directed shall entail cancellation of bail without any further reference to this Court.

11. Accordingly, the BLAPL stands disposed of.

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

(*V.Narasingh*)
Judge

Dhal

