

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No. 5952 OF 2021

Rupesh @ Rupent Harijan

..... ***Petitioner***
Mr. Basudev Mishra, Adv.

-versus-

State of Odisha

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

CORAM:
JUSTICE V. NARASINGH

ORDER
22.04.2022

Order No.
05.

1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel for the parties.
3. The Petitioner is an accused in connection with T.R. Case No.22 of 2021 arising out of Kosagumuda P.S. Case No. 48 of 2021 on the file of learned Sessions Judge-cum-Special Judge, Nabarangpur, registered for the alleged commission of offence under Sections 20(b)(ii)(C)/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 Sessions Judge-cum-Special Judge, Nabarangpur by order dated 25.06.2021, the present BLAPL has been filed.
5. Learned counsel for the Petitioner submits that the basis on which the petitioner has been implicated and carrying contraband beyond the commercial quantity is ex-facie highly

improbable and from the manner of seizure conscious exclusive possession cannot be attributed to the petitioner.

6. Per contra learned counsel for the State opposes the prayer for bail on the ground of bar enacted under Section 37 of the NDPS Act.

7. Taking into account the manner of seizure, and that trial has not commenced, in view of the law laid down by the Apex Court in the case of **Hussainara Khatoon & Others Vs. State of Bihar**, reported in 1979 AIR 1369, 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.

8. Accordingly, the BLAPL stands disposed of.

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

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