

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

**BLAPL No.7003 of 2022**

***Amit Rahulkar & others***

....

***Petitioner***

Mr. S.K. Lenka, Advocate

*-versus-*

***State of Odisha***

....

***Opposite Party***

Mr. M. Mishra, ASC

**CORAM: JUSTICE V. NARASINGH**

**ORDER**  
**09.12.2022**

**Order No.**

- 05.
1. Heard learned counsel for the Petitioners and learned counsel for the State.
  2. The Petitioners are accused in connection with Special (NDPS) Case No.20 of 2022 pending on the file of the learned Addl. District & Sessions Judge, Kantamal, Boudh, arising out of Kantamal P.S. Case No.70 of 2022 for commission of the alleged offence under Section 20(b)(ii)(c) of the N.D.P.S Act.
  3. Being aggrieved by the rejection of their application for bail U/s. 439 Cr.P.C. by the learned Addl. Sessions Judge-cum-Special Judge, Kantamal by order dated 05.07.2022, the present BLAPL has been filed.
  4. Learned counsel for the Petitioners files a memo in Court today stating therein that he does not want to press the prayer for bail of Petitioner Nos.2 and 3. The memo filed to that effect is taken on record.
  5. Accordingly, the prayer for bail of Petitioner Nos.2 and 3 stands dismissed as not pressed.

6. So far as prayer for bail of Petitioner No.1-Amit Rahulkar is concerned, it is submitted by the learned counsel that the Petitioner No.1 is the driver of the offending vehicle from which the contraband (ganja) to the tune of 30 Kg. 200 was recovered. It is stated that he is in custody since 03.06.2022 and charge sheet has been filed on 29.11.2022.

7. It is submitted that the Petitioner was plying the vehicle to earn his livelihood and he had no clue that the contraband was being carried in the said vehicle. It is stated that the Petitioner is the victim of circumstance.

8. Per contra, learned counsel for the State opposes the prayer for bail relying on the bar contained in Section 37 of the N.D.P.S Act and also that since the Petitioner does not reside within the State, it would be difficult to ensure his presence during the trial and hence seeks rejection of the bail application.

9. Considering the role ascribed to the Petitioner, this Court directs the Petitioner No.1-Amit Rahulkar to be released on bail on such terms to be fixed by the learned court in seisin.

10. Learned counsel for the Petitioners submits that he is not in a position to apprise this Court about the criminal antecedent of the Petitioner No.1.

11. While releasing the Petitioner No.1 on bail, learned Court below shall verify assertion regarding **criminal antecedent of similar nature**. If the Petitioner No.1 has any such antecedent, this order shall stand recalled without further reference to the Bench.

12. The BLAPL thus stands disposed of.

13. Urgent certified copy of this order be granted as per rules.

**(V. NARASINGH)**  
**Judge**

**PKS**