

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7897 of 2022

Yenod Harijan

....

Petitioner

Mr. H.S. Mishra, Advocate

-versus-

State of Odisha

....

Opposite Party

Ms. Babita Sahu, CGC

CORAM: JUSTICE V. NARASINGH

ORDER

16.12.2022

Order No.

03.

1. Heard learned counsel for the Petitioner and learned counsel for the CGC.
2. The Petitioner is an accused in Special G.R. Case No.87 of 2021 pending on the file of learned 1st Addl. Sessions Judge, Bolangir, arising out of NCB Bhubaneswar Trial No.5 of 2021, for commission of offence under Sections 20(b)(ii)(c)/25/28/29 of the N.D.P.S Act.
3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned 1st Addl. Sessions Judge, Balangir by order dated 20.05.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted by the learned counsel that the Petitioner is a Khalasi and conscious exclusive possession cannot be attributed to him. Since he is in custody since 07.08.2021 and charge sheet

has been filed in the meanwhile, his further continuance is in custody is not warranted.

5. Considering the materials on record and taking into account the manner in which the contraband was seized from the vehicle in which the Petitioner was admittedly present as Khalasi, as per Petitioner's counsel and co-pilot as per the NCB and the quantity thereof (ganja) being 315 K.G, this Court is not inclined to release the Petitioner on bail in view of the bar enacted under Section 37 of the N.D.P.S Act.

6. Accordingly, BLAPL stands rejected.

(V. NARASINGH)
Judge

PKS

