

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7913 of 2022

Chitaranjan Rout @ Jaga

....

Petitioner

Mr.Bharat Bhusan Routray, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

26.09.2022

Order No.

02.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the Petitioner and learned counsel for the State.
3. The Petitioner is an accused in G.R. Case No.41 of 2022 pending in the file of learned Addl. Sessions Judge-cum-Special Judge, Rourkela, arising out of Plant Site P.S. Case No.273 of 2022, offence under Sections 20(b)(ii)(C)/25/29 of the N.D.P.S. Act and is in custody since 07.08.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Special Judge, Rourkela by order dated 11.08.2022 in the aforementioned case, the present BLAPL has been filed.
5. Learned counsel for the Petitioner submits that the Petitioner is in custody from 07.08.2022 and as the implication of the Petitioner was on the basis of the co-accused statement, his

further continuance in custody is unwarranted in views of the law laid down by the apex Court in the case of **Tofan Singh vrs. State of Tamil Nadu**, reported in **(2020) 80 OCR (SC) 641**.

6. Learned counsel for the State opposes the prayer for bail, inter alia, on the ground that the dictum of **Tofan Singh** (supra) cannot be relied on at the stage of grant of bail as contraband articles seized being 21 Kg. 497 grams and the manner of accusation.

7. Considering the facts and the submissions made, this Court is of the considered opinion that the chances of exclusive possession cannot be attributed to the Petitioner. Since the investigation has progressed substantially as stated and keeping in mind the custody of the Petitioner since 07.08.2022, this Court directs the Petitioner to 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. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge

PKS