

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9031 of 2022

Bhajamana Sahu

....

Petitioners

Mr. M.K. Sahu, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

14.10.2022

Order No.

02.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the Petitioner and the learned counsel for the State.
3. The Petitioner is an accused in Special Case No.88 of 2014 pending in the file of learned Special Judge-cum-Addl. Sessions Judge, Angul, arising out of Chhendipada P.S Case No.171 of 2014, for commission of offences under Section 20(b)(ii)(C) of the N.D.P.S Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Addl. Sessions Judge, Angul by order dated 25.08.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the Petitioner, on instruction, that implication of the Petitioner is on the basis of the statement of the co-accused Laxman Majhi. It is submitted that the

charge sheet having been filed on 31.07.2015, which is on record and the Petitioner is in custody since 24.08.2022, further continuance of the Petitioner is unwarranted.

6. Learned counsel for the State opposes the prayer for bail.

7. Taking into account the contraband seized is to the tune of 21 kg. 50 gms, this Court found substance on the submission of the learned counsel for the Petitioner that wrong vehemence so as to attract the bar contained in Section 37 of the N.D.P.S. Act cannot be rule out.

8. Considering the basis of implication and keeping in view 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**, 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.

9. Accordingly, the BLAPL stands disposed of.

10. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge

PKS