

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No. 8371 OF 2020

Keshab @ Kalia Kanhar

..... ***Petitioner***
Mr. A.R.Panda, Adv.

-versus-

State of Odisha

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

CORAM:
JUSTICE V. NARASINGH

ORDER
4.05.2022

Order No.
07.

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 C.T. Case No. 46 of 2020 arising out of Phiringia P.S. Case No. 74 of 2020 on the file of learned District Sessions Judge-cum-Special Judge, Kandhamal at Phulbani, registered for the alleged commission of offence under Sections 20(b)(ii)(C) of the NDPS Act.
4. Being aggrieved by the rejection of his application for bail U/s 439 Cr.P.C. by the learned District Sessions Judge-cum-Special Judge, Kandhamal at Phulbani by order dated 29.09.2020, the present BLAPL has been filed
5. Learned counsel for the petitioner submits that from the manner of seizure conscious exclusive possession cannot be attributed to the petitioner.

6. Learned counsel for the State opposes such submission stating that from the factum of seizure the defence as pleaded by the learned counsel for the petitioner does not merit consideration of this Court and seeks rejection of the application for bail.

7. Taking into account the statement of the learned counsel for the petitioner that the petitioner has no criminal antecedent and the trial has not commenced though, the petitioner is in custody since 5.09.2020, and in view of the law laid down by the Apex Court in the case of **Hussainara Khatoon & Others Vrs. 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.

08. Accordingly, the BLAPL stands disposed of.

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

(*V.Narasingh*)
Judge

Dhal