

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No. 8839 OF 2020

Lalu Paik

..... ***Petitioner***
Mr. J.K.Panda, Advocate

-versus-

State of Odisha

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

CORAM:
JUSTICE V. NARASINGH

ORDER
13.05.2022

Order No.
09.

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 T.R. Case No.118 of 2020 arising out of Mathili P.S. Case No. 138 of 2020 on the file of learned Addl. Sessions Judge-cum-Special Judge, Malkangiri, registered for the alleged commission of offence under Sections 20(b)(ii) (C)/27-A of the NDPS Act.
4. Being aggrieved by the rejection of his application for bail U/s 439 Cr.P.C. by the learned Addl. Sessions Judge-cum-Special Judge, Malkangiri by order dated 05.10.2020, the present BLAPL has been filed.
5. Learned counsel for the petitioner submits that he was driving the motorcycle and had no clue of contraband being carried, as such conscious exclusive possession cannot be attributed to him. Submitting that he is in custody since 1.10.2020

and relying on the judgment of the Apex Court in the case of **Hussainara Khatoon & Others Vrs. State of Bihar**, reported 1979 AIR 1369 seeks indulgence of this Court.

6. Per contra, the learned counsel for the State submits that the plea of innocence as advanced cannot be taken into account at this stage, in view of the statutory bar enacted.

7. On a conspectus of materials on record, taking into account the manner of seizure and the period of custody, 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 so as to ensure his attendance on each date of trial.

8. Accordingly, the BLAPL stands disposed of.

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

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