

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 4732 OF 2021

Chudamani Meher

***..... Petitioner
Mr. M. Padhy, Advocate***

-versus-

State of Odisha & Another

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

CORAM:

JUSTICE V. NARASINGH

**ORDER
11.05.2022**

Order No.

06.

1. This matter is taken up through Hybrid Mode.
2. The petitioner is an accused in connection with T.R. Case No. 16 of 2021 corresponding to Machhkund P.S. Case No. 12 of 2021, pending on the file of the learned Addl. Sessions Judge-cum-Special Judge, Koraput for the alleged commission of offence under Sections-20(b)(ii)(C) of the NDPS Act and the petitioner is in custody since 31.01.2021.
3. Being aggrieved by the rejection of his application for bail U/s. 439 Cr.P.C. by the learned Addl. Dist. & Sessions Judge-cum-Special Judge, Koraput by Order dtd. 26.05.2021 in T.R. No. 16 of 2021, the present BLAPL has been filed.
4. Heard Mr. M. Padhy, learned counsel for the petitioner and Mr. K.K. Gaya, learned Additional standing Counsel for the State.

5. Learned counsel for the petitioner submits that, as per the prosecution case, the petitioner is a rider of the piloting motorcycle and submits that there has been no seizure of any contraband and hence, it is prayed that question of conscious and exclusive possession of the contraband seized admittedly from another vehicle cannot be attributed to him and seeks to be released on bail, as he is in custody from 31.01.2021 and trial has not commenced.

6. Learned counsel for the State refers to the order of this Court passed in order dtd. 28.02.2022 in BLAPI No. 8127 of 2021 and order dtd.09.03.2022 in BLAPL No. 8280 of 2021 and submits that since the co-accused bail application has already been rejected, the petitioner's present bail application does not merit consideration of this Court.

7. On consideration of the materials on record qua the petitioner and taking into account the prosecution case that the petitioner was piloting the vehicle carrying contraband from which admittedly there is no seizure, this Court finds force in the submissions of the learned counsel for the petitioner that the petitioner is not similarly circumstanced with the accused persons whose bail applications were not favorably considered by this Court.

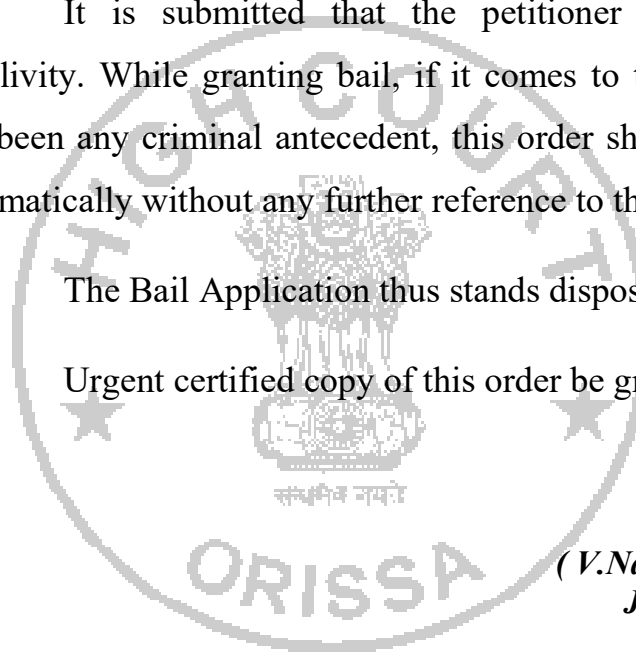
8. Accordingly, taking into account the period in custody and the role ascribed to the petitioner, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin over the matter including that he shall appear in person before the jurisdictional Police Station once every week and failure to do so shall entail cancellation of bail in accordance with law without any further reference to this Court.

9. It is submitted that the petitioner has no criminal proclivity. While granting bail, if it comes to the fore that there has been any criminal antecedent, this order shall stand recalled automatically without any further reference to this Court.

10. The Bail Application thus stands disposed of.

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

Balaram



*(V.Narasingh)
Judge*