

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6351 of 2022

Sagar Patel

....

Petitioner

Mr. B.R. Tripathy, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
09.09.2022

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 accused in Kantamal P.S. Case No.20 of 2022 corresponding to Special (NDPS) Case No.08 of 2022, pending before the Court of the learned Additional District & Sessions Judge, Kantamal, for alleged commission of offences under Section 20(b)(ii)(C) of NDPS Act.
4. Being aggrieved by the Rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge-cum-Special Judge, Kantamal, by order dated 14.02.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that the petitioner is in custody since 29.01.2022 and charge-sheet has been filed on 24.07.2022, hence seeks release on bail inter alia on the ground of non commencement of trial.

6. Learned counsel for the State opposes the prayer for bail relying on the Bar contained under Section 37 of the NDPS Act.

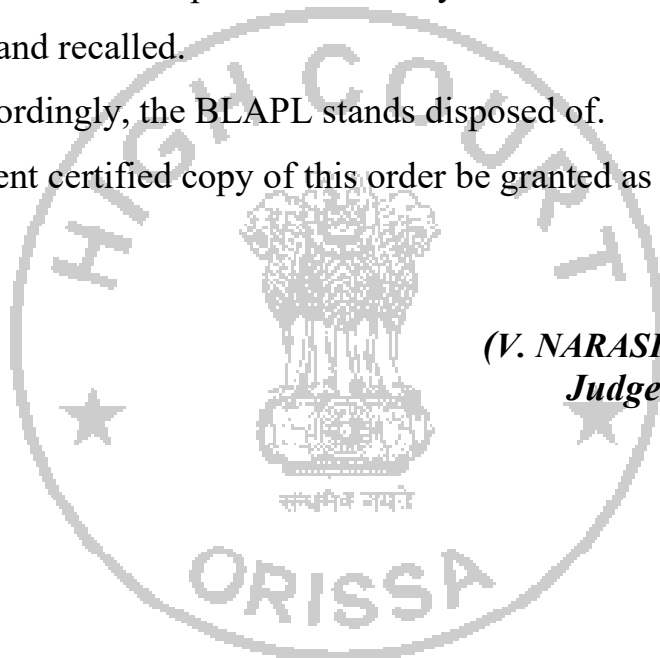
7. Taking into account the period of custody and the age of the petitioner and the submission of the learned counsel that the petitioner is the first offender, this Court directs the petitioner to be released on bail on such terms to be fixed by the Court in seisin over the matter.

8. While releasing the petitioner on bail, the learned Court below shall verify such assertion regarding criminal proclivity. If it comes to the fore that the petitioner has any criminal antecedent this order shall stand recalled.

9. Accordingly, the BLAPL stands disposed of.

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

Ayesha



(V. NARASINGH)
Judge