

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6489 of 2022

Barun Rana

....

Petitioner

Mr. D.R. Mishra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
19.09.2022

Order No.

03.

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 2(a)CC Case No.15 of 2022, pending on the file of the learned District & Sessions Judge-cum-Spl. Judge, Jharsuguda, arising out of Excise Station P.R. No.32 of 2022-23, offences under Sections 20(b)(ii)C.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Special Judge, Jharsuguda, by order dated 30.06.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that is in custody since 17.06.2022 and final P.R. has been submitted on 29.07.2022. It is further submitted that the petitioner is a victim of the circumstance and conscious exclusive possession cannot be readily attributed to him.

6. And, it is said that to earn his livelihood as a daily wager when he was carrying the gunny bags at the instance of co-accused Subham Singh, he has been implicated in the case at hand.

7. Hence prayer is made to release the petitioner on bail.

8. Learned counsel for the State opposes the prayer for bail inter alia on the ground that the petitioner has a criminal antecedent in as much as he was an accused of commission of offence under Sections 379 IPC in the year 2012.

9. Taking into account the nature of allegations and the total contraband seized that is being 33 kgs 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.

10. Additionally, it is directed that the petitioner shall appear before the Enquiry Officer once in ten days till the conclusion of trial.

11. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi