

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6490 of 2022

Jagannath Meher

....

Petitioner

Mr. D.R. Mishra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
21.09.2022

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 an accused in 2(a) CC No.15 of 2022, pending in the file of learned District & Sessions Judge-cum-Spl Judge, Jharsuguda, arising out of Jharsuguda Excise Station PR Case No.32 of 2022-23, 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 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 petitioner 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 circumstances and conscious exclusive possession cannot be readily attributed to him.

6. It is further submitted 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. Learned counsel for the petitioner submits that one of the co-accused has been released on bail by this Court by order dated 19.09.2022 in BLAPL No.6489 of 2022. Hence he seeks release of the petitioner.

8. Learned counsel for the State opposes the prayer for bail.

9. Taking into account the release of the co-accused and considering 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. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi