

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6516 of 2022

***Sundar Rau Mandi @ Sundar
Raul Mandi***

Petitioner

Mr. P.K. Nanda, Advocate

-versus-

State of Odisha

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

**ORDER
08.09.2022**

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 an accused in T.R. Case No.69 of 2021 pending in the file of learned Additional Sessions Judge-cum-Special Judge, Koraput, arising out of Machhkund P.S. Case No.63 of 2021, offence under Sections 20(b)(ii)(C)/25/29 of the NDPS Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional S.J.-cum-Spl. Judge, Koraput by order dated 05.07.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that basis of implication is on account of accused persons who are nabbed from the vehicle and there are no other materials to

implicate the petitioner. Hence he seeks release on bail inter alia relying on the order of the Apex Court in the Case of ***Tofan Singh vs. State of Tamil Nadu***, reported in ***(2020) 80 OCR (SC) 641***.

6. Learned counsel for the State opposes the prayer relying on the case record that the vehicle in question belongs to the petitioner and it is submitted that there are materials on record which honouringly pointed out the involvement of the present petitioner. It is also submitted that the law laid down by the Apex Court in the case of ***Tofan Singh (Supra)*** cannot come into play at the stage consideration of bail.

7. Taking into account the basis of allegation 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.

8. Additionally, it is directed that the petitioner shall appear before the jurisdictional police station once every month till the conclusion of trial.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi