

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6702 of 2022

Harihara Benia

....

Petitioner

Mr. A. Das, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
02.11.2022

Order No.

04.

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.31 of 2022, pending in the file of learned Sessions Judge-cum-Special Judge, Koraput, Jeypore, arising out of Jeypore Sadar P.S. Case No. 171 of 2022, for alleged commission of 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 Sessions Judge-cum-Special Judge, Koraput, Jeypore by order dated 07.07.2022 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 31.05.2022 and as final form has been submitted on 27.10.2022, further continuance of the petitioner in custody is not warranted.

6. Learned counsel for the State opposes the prayer for bail inter alia keeping in view the bar contained under Section 37(1) of the NDPS Act.

7. On consideration of materials on record and taking into account the submission of learned counsel for the petitioner that the petitioner is the first offender and considering his age, 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 so as to ensure his presence on each date of trial.

8. While enlarging the petitioner on bail, the learned court below shall examine as to whether the petitioner is the first offender, as stated. 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 rules.

(V. NARASINGH)
Judge

Santoshi