

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6747 of 2022

Govind Sabar

....

Petitioner

Mr. S.K. Nayak, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

06.09.2022

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 G.R. Case No.51 of 2021 pending in the file of learned Special Judge, Gajapati, Paralakhemundi, arising out of Mohana P.S. Case No.64 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 Special Judge, Gajapati by order dated 11.07.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that the basis of implication is on account of co-accused statement and relying on the judgment of Apex Court in the case of ***Tofan Singh vs. State of Tamil Nadu***, reported in ***(2020) 80 OCR (SC) 641*** seeks

release and it is also submitted that since charge sheet has already been filed further continuance in custody is punitive.

6. Learned counsel for the State opposes the prayer for bail and submits that the ratio in the case of *Tofan Singh (Supra)* cannot be place into service at the time of consideration of bail.

7. Considering the manner in which the petitioner has been implicated and taking into account the submission of learned counsel for the petitioner that he has no criminal proclivity, 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 enlarging the petitioner on bail the learned court below shall verify assertion regarding his criminal proclivity. If it comes to the fore that the petitioner has any criminal antecedent this order shall stands recalled.

9. Accordingly, the BLAPL stands disposed of.

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

Santoshi

(V. NARASINGH)
Judge