

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7387 of 2022

Anil Rathod

....

Petitioner

Mr. R.L. Pattnaik, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

20.12.2022

Order No.

03.

1. Heard learned counsel for the petitioner and learned counsel for the State.

2. The petitioner is an accused in connection with Special G.R. Case No.108 of 2022, pending in the file of the learned Sessions Judge -cum- Special Judge, Malkangiri, arising out of Podia P.S. Case No.63 of 2022, for alleged commission of offences under Sections 20(b)(ii)(C) of NDPS Act.

3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Special Judge, Malkangiri, by order dated 11.07.2022 in the aforementioned case, the present BLAPL has been filed.

4. It is submitted by the learned counsel that the petitioner is in custody since 09.07.2022 inter alia on the ground of possessing contraband to the tune of 28Kgs 200gms (Ganja).

5. On instruction, by filing a memo learned counsel for the petitioner submits that charge-sheet has already been filed on

12.12.2022, hence further continuance of the petitioner in custody is not warranted.

6. Perused the order of rejection.

7. Taking into account the manner in which the seizure has been effected and role ascribed to the petitioner being the driver of the vehicle, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin.

8. On instruction, it is stated that the petitioner does not have any criminal antecedent.

9. To allay the legitimate apprehension of the learned counsel for the State that the petitioner being an outsider, it would be difficult to ensure his presence during trial, hence, it is directed that one of the family members shall execute a P.R. bond in addition to the sureties as fixed by the learned Court in seisin.

10. Before releasing the petitioner, criminal antecedent of the petitioner from the respective police station in question i.e. of Barshi police station, Salapur District, Maharashtra, shall be called for and if it is found that the petitioner has any criminal antecedent, this order shall not be given effect since the petitioner does not reside within the territorial jurisdiction of the learned Court in question.

11. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha