

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7682 of 2022

Jairam @ Jayaram Harijan

Petitioner

Mr. A.N. Pattanayak, Advocate

-versus-

State of Odisha

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
22.09.2022

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.12 of 2019 pending in the file of learned Sessions Judge-cum-Special Judge, Nabarangpur, arising out of Kosagumuda P.S. Case No.85 of 2019, offence under Sections 20(b)(ii)(C) of the NDPS Act and is in custody since 18.07.2022.
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, Nabarangpur, by order dated 19.07.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is the allegation of the prosecution that the contraband was seized from Auto rickshaw and one accused Dhansingh Gond @Kanha as apprehended and he named other co-accused including the present petitioner who is stated to have absconded from the spot.

6. It is submitted by the learned counsel for the petitioner that on the basis of co-accused, he was taken into custody on 18.07.2022 and is further submitted that in the meanwhile charge sheet has been filed on 29.07.2022. Hence further continuance of the petitioner is uncalled for.

7. Learned counsel for the State opposes the prayer for bail inter alia relying under Section 37 of the NDPS Act.

8. Taking into account the manner of implication and keeping in view law laid down by *Tofan Singh vs. State of Tamil Nadu*, reported in **(2020) 80 OCR 641**, 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.

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

10. 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.

11. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi