

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7705 of 2022

Madhaba Meher

....

Petitioner

Mr. M.K. Chand, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
06.12.2022

Order No.

02.

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

2. The Petitioner is an accused in S.A Case No.46 of 2022 pending on the file of learned Sessions Judge-cum-Special Judge, Nuapada, arising out of Excise Nuapada Mobil Unit P.R. No.36 of 2022-23, for commission of the alleged offence under Section 20(b)(ii)(C) of the N.D.P.S Act.

3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Special Judge, Nuapada by order dated 05.08.2022 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 13.07.2022 and as final P.R. has been filed on 04.11.2022, his further continuance in custody is unwarranted. The final P.R. filed in Court be kept on record.

5. It is submitted that the manner in which the seizure has been effected, conscious exclusive possession cannot be attributed to the Petitioner. Hence, he may be released on bail keeping in view his age (62 years).

6. Learned counsel for the State relying on the order of rejection opposes the prayer for bail, inter alia, relying on Section 37 of the N.D.P.S Act.

7. Considering the age of the Petitioner, the manner in which the seizure has been effected and filing of the final P.R. and the Petitioner being the first offender, as stated, 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. While releasing on bail, learned Court in seisin shall verify the criminal antecedent of similar nature. If the Petitioner has such criminal antecedent, this order shall stand recalled without further reference to the Bench.

9. The BLAPL thus stands disposed of.

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

(V. NARASINGH)
Judge

PKS