

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7708 of 2022

Sambhu Sankar Digal

....

Petitioner

Mr. A.R. Panda, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
22.11.2022

Order No.

03.

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 connection with 2(a) CC Case No.8 of 2022, pending before the learned Additional Sessions Judge-cum-Special Judge, Bhanjanagar, arising out of Bhanjanagar Excise P.R. Case No.22 of 2022, for alleged commission of offences under Section 20(b)(ii)(C) of NDPS Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge-cum-Special Judge, Bhanjanagar, by order dated 12.07.2022 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 26.05.2022 and final P.R. has been submitted on 27.10.2022. Hence, it is stated that further continuance of the petitioner in custody is unwarranted.

6. It is also submitted that since the petitioner is a local person, there is no chance of his fleeing justice.

7. Learned counsel for the petitioner with vehemence submits that the petitioner is a driver and on the instruction of the owner namely, Samanta Digal, he was driving the vehicle and he had no control over the materials, which was being carried in the vehicle and he otherwise had no inkling that the bags contained contraband (Ganja) of commercial quantity. Hence, it is submitted that as final form has been submitted, liberal view may be taken.

8. Learned counsel for the State opposes the prayer for bail inter alia referring to Section 37 of the NDPS Act and submits that the defence plea as advanced does not stand to reason and is a figment of petitioner's imagination.

9. Considering the plausible explanation as given and keeping in view the age of the petitioner, this Court directs the petitioner to be released on bail on such terms to be fixed by the Court in seisin over the matter.

10. While releasing the petitioner on bail, the learned Court below shall verify assertion regarding criminal antecedent of the petitioner. If it comes to the fore that the petitioner has any criminal antecedent, this order shall stand recalled without any further reference to this Court.

11. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha