

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7713 of 2022

Suman Sabar

....

Petitioner

Mr. B.K. Ragada, 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 T.R No.51 of 2022 pending on the file of learned Addl. Sessions Judge-cum-Special Judge, Koraput, arising out of Koraput Sadar P.S Case No.71 of 2022, 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 Addl. Sessions Judge-cum-Special Judge, Koraput by order dated 18.07.2022 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 07.05.2022 and as charge sheet has been filed on 28.10.2022, his further continuance in custody is unwarranted.

5. It is submitted that the Petitioner was a pillion rider in a motor cycle. On being accosted by the police authorities, the rider of the motor cycle escaped and the Petitioner was found to be in possession of the contraband (ganja) of 23 Kg. 470 grams.

6. It is submitted that the Petitioner had no knowledge that the bag which he was carrying having contraband and with vehemence he submitted that from the conduct it can be inferred that he was a victim of circumstance.

7. Considering the manner in which the seizure has been effected and that the Petitioner is 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