

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7769 of 2022

Samir Sutar

....

Petitioner

Mr. J.K. Panda, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
20.09.2022

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 accused in T.R. Case No.62 of 2020 arising out of Mathili P.S. Case No.93 of 2020, pending in the Court of the learned Sessions Judge -cum- Special Judge, Malkangiri, for alleged commission of offences under Sections 20(b)(ii)(C)/29 of NDPS Act.
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, Malkangiri, by order dated 04.08.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that the accused persons who are in the native from which the contraband was seized has since been released on bail by this Court by order dated 07.02.2022 in BLAPL No.6335 of 2021 and by order dated 31.03.2022 in BLAPL No.11282 of 2021. It is submitted that

since the petitioner is on a better footing, his further continuance in custody is uncalled for and more so when he has no criminal antecedents.

6. Taking into account the release of the accused and filing of the charge-sheet, this Court directs the petitioner to be released on bail on such terms to be fixed by the Court in seisin over the matter.

7. While releasing the petitioner on bail the learned Court below shall verify such assertion. 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.

8. Accordingly, the BLAPL stands disposed of.

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

Ayesha

