

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7922 of 2022

Raju Kumar Sah

....

Petitioner

Mr. S.R. Das, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

31.10.2022

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 connection with 2(a)CC No.11 of 2022 arising out of P.R No.119 of 2022-23, pending on the file of the learned 1st Addl. Sessions Judge, Rourkela for the alleged commission of offence under Section 20(b)(ii)(C) of the N.D.P.S Act.
4. Being aggrieved by the rejection of his application for bail U/s. 439 Cr.P.C. by the learned Special Judge, Rourkela by order dtd.25.07.2022, the present BLAPL has been filed.
5. Learned counsel for the Petitioner submits that since the Petitioner is in custody since 29.06.2022 and final P.R. has been filed on 30.09.2022, he may be released on bail.

6. Learned counsel for the State opposes the prayer for bail, inter alia, relying on Section 37 of the N.D.P.S. Act inasmuch as it is stated that contraband seized is to the tune of 28 Kg. 400 gm. being beyond the commercial quantity, keeping in view the rigors of Section 37 of the N.D.P.S. Act.

7. Considering the manner in which the seized was effected from the railway station, conscious exclusive possible cannot be attributed to the Petitioner in the factual matrix of the present case and taking into account the filing of the charge sheet and the period of custody, 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. Additionally, it is directed that since the Petitioner does not reside within the territorial jurisdiction of the learned Court in seisin over the matter, suitable terms to be fixed including local surety to ensure his presence during the course of trial.

9. Learned Court in seisin over the matter shall verify the criminal antecedents of any nature. If it comes to the fore that the Petitioner has any criminal antecedent, this order shall stand recalled.

10. The BLAPL thus stands disposed of.

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

(V. NARASINGH)
Judge

PKS