

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8062 of 2022

Udhaba Kanhar

....

Petitioner

Mr. A.R. Panda, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
11.11.2022

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 C.T. Case No.72 of 2021 pending on the file of learned District & Sessions Judge-cum-Special Judge, Phulbani, arising out of Gochhapada P.S. Case No.91 of 2021, for commission of the offence under Section 20(b)(ii)C/29 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, Phulbani by order dated 08.06.2022 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 the charge sheet has already been filed on 15.05.2022 citing as an absconder, his

further continuance in custody is not warranted inasmuch as the basis of implication of the Petitioner is the co-accused statement.

6. Learned counsel for the State opposes the prayer for bail, inter alia, on the ground that one Sudhansu Sahu is a witness to the confession made by the present Petitioner regarding his involvement in the case at hand.

7. Taking into account the basis of implication of the present Petitioner is on account of the co-accused statement Sudhansu Sahu who is arrested at the spot, 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, keeping in view the law laid down by the apex Court in the case of **Tofan Singh vrs. State of Tamil Nadu**, reported in **(2020) 80 OCR (SC) 641**.

8. Learned Court in seisin over the matter shall also 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.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

PKS