

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8602 of 2022

Jaga @ Jagabandhu Nayak

....

Petitioner

Mr. T.K. Acharya, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

21.12.2022

Order No.

02.

1. Heard learned counsel for the Petitioner and learned counsel for the State.
2. The Petitioner is an accused in G.R. Case No.77 of 2022 pending on the file of learned Sessions Judge-cum-Special Judge, Paralakhemundi, arising out of Adava P.S. Case No.89 of 2022, for commission of offence under Sections 20(b)(ii)(C)/25/29 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 Sessions Judge-cum-Special Judge, Gajapati by order dated 19.08.2022 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 25.07.2022 and as charge sheet has been filed on 27.10.2022, his further continuance in custody is not warranted.

5. It is stated that the vehicle in which the Petitioner was travelling allegedly contraband of 63 Kg. was recovered.

6. It is submitted that the vehicle from which the contraband seized stands in the name of accused no.1 B. Ninay Basu Kumar Patro (driver) and the Petitioner is an innocent passenger had no inkling that the contraband was being carried in the said vehicle and he is the victim of circumstance.

7. Learned counsel for the State opposes the prayer for bail relying on the bar contained in Section 37 of the N.D.P.S Act and submits that the plea of innocence does not stand to reason and hence the Petitioner ought not to be released on bail at this stage.

8. Considering the plausible explanation given by the learned counsel for the Petitioner and taking into account the filing of the charge sheet and the Petitioner being a young boy of 20 years and he being 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.

9. Before releasing the Petitioner on bail, learned Court below shall verify assertion regarding **criminal antecedent of any nature**. If it comes to fore that the Petitioner has any criminal antecedent, this order shall stand recalled.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

PKS