

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8614 of 2022

Brajabandhu Sahoo

....

Petitioner

Mr. A.K. Das-1, Advocate

-versus-

State of Orissa

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
21.09.2022

Order No.

01.

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 Daspalla P.S. Case No.152 of 2022 corresponding to Spl. G.R. Case No.90 of 2022, pending in the file of the learned Sessions Judge-cum-Special Judge, Nayagarh, for offences under Sections 20(b)(ii)(C)/29 of NDPS Act and Section 25 of Arms 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, Nayagarh, by order dated 29.08.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that accepting the entire allegation of the prosecution at its face value, it is alleged that the petitioner was riding a motor bike was escorting the Maruti Suzuki Wagnor carrying the contraband. It is submitted that he is a victim of the circumstances and there is nothing on

record to connect him with the crime as such conscious exclusive possession cannot be attributed to him. Hence the petitioner seeks release.

6. Learned counsel for the State opposes the prayer for bail inter alia on the ground that as investigation is continuing, release of the petitioner at this stage would affect the ongoing investigation.

7. Considering the nature of role ascribed to the petitioner and keeping in view the quantity of contraband (22 Kg 515gms) and substantial progress in investigation, this Court directs the petitioner to be released on bail on such terms to be fixed by the Court in seisin over the matter.

8. It is submitted by the learned counsel for the petitioner that the petitioner has no criminal antecedent. 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 then the 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

Ayesha