

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8848 of 2022

Gangadhar Gouda

....

Petitioner

Mr. R. Biswal, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
24.09.2022

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 T.R. Case No.18 of 2022(T) pending in the file of learned Additional District and Sessions Judge-cum-Special Judge, Nabarangpur, arising out of Kosagumuda P.S. Case No.62 of 2022, offence under Sections 20(b)(ii)(c) of the NDPS and in custody since 22.05.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional District & Sessions Judge-cum-Special Judge, Nabarangpur by order dated 05.08.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that since admittedly charge sheet has been filed in this Case on 21.07.2022, his further continuance in custody is not warranted.

6. Learned counsel for the State opposes the prayer for bail inter alia bar contained under Section 37 of the NDPS Act.

7. Taking into account that petitioner is a first offender and also as chance commencement of trial is bleak, keeping in view the pendency of the Court in seisin over the matter and considering the age of the petitioner, 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 so as to ensure his presence on each date of trial.

8. While enlarging the petitioner on bail the learned court below shall verify assertion regarding his criminal proclivity. 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 rules.

(V. NARASINGH)
Judge

Santoshi