

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9321 of 2022

Susanta Kumar Sandha

....

Petitioner

Mr. B.R Tripathy, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
10.10.2022

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 Special Case (NDPS Act) No.30 of 2022 pending in the file of learned Sessions Judge-cum-Special Judge, Boudh, arising out of Boudh P.S. Case No.187 of 2022, for offence under Sections 29(b)(ii)(C)/29 of the N.D.P.S. Act and is in custody since 15.07.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Special Judge, Boudh by order dated 06.08.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the Petitioner that in the meanwhile charge sheet has been filed on 30.09.2022. It is

stated, on instruction, that the Petitioner is an innocent passenger in the vehicle in which the contraband was being carried. It is stated that there is one antecedent against the Petitioner, which is reflected in the rejection order. It is stated that the Petitioner is a victim of the circumstance and it is submitted that taking into account his age, his case may be considered sympathetically.

6. Learned counsel for the State opposes the prayer for bail of the Petitioner, inter alia, on the ground of bar contained in Section 37 of the N.D.P.S Act and his criminal antecedents.

7. Taking into account the role ascribed to the Petitioner and filing of the charge sheet and his age and bleak possibility of early conclusion of the trial, 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. Additionally, it is directed that the court in seisin over the matter shall ensure his presence before the jurisdictional police station of the court once every week till conclusion of trial.

8. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

PKS