

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9403 of 2022

Sobaran Kushwah

....

Petitioner

Mr. A.K. Budhia, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. M. Mishra, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
09.12.2022

Order No.

05.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. The petitioner is an accused in 2(a) C.C. No.14 of 2022, pending in the file of learned Sessions Judge-cum-Special Judge, Sundargarh, arising out of Sadar Sundargarh P.R. Case No.33 of 2022-23, for commission of alleged offences under Sections 20(b)(ii)(B) of the NDPS Act and is in custody since 28.08.2022.
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, Sundargarh by order dated 09.09.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted that the petitioner is in custody since 28.10.2022 for the allegation of possessing contraband (ganja) to the tune of 9 kgs. Learned counsel for the petitioner places on record the final P.R. which is submitted on 26.10.2022. Hence, he seeks release.

5. Learned counsel for the State opposes the prayer for bail inter alia on the ground that since the petitioner is a not resident of this State, it would be difficult to ensure his appearance during the trial.

6. Considering the contraband being less than commercial quantity, and filing of charge sheet this Court directs the petitioner to be released on bail. Terms to be fixed by the learned Court in seisin keeping in mind that the petitioner does not reside within the territorial jurisdiction of the Court in seisin.

7. Additionally, it is directed that immediate member of his family shall execute a P.R. bond.

8. Since the learned counsel for the petitioner is not in a position to appraise this Court regarding the criminal antecedents of the petitioner, this Court calls upon the learned Court in seisin to verify the assertion regarding his criminal antecedent. If it comes to the fore that 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