

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9473 of 2022

Subas Kumar Meher @ Rahul

Petitioner

Mr. N. Lenka, Advocate

-versus-

State of Odisha

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

17.10.2022

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 connection with T.R. Case No.59 of 2022 pending on the file of learned Additional Sessions Judge-cum-Special Judge, Koraput, arising out of Machhakund P.S. Case No.0055 of 2022, for alleged commission of offences under Sections 20(b)(ii)(C) of the NDPS Act and is in custody since 29.05.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge-cum-Special Judge, Koraput by order dated 05.08.2022 in the aforementioned case, the present BLAPL has been filed.
5. Learned counsel for the petitioner on instruction submits that the petitioner is suffering from HIV but it is stated very fairly that such aspect has not been taken into account by the learned

Court in seisin over the matter while rejecting the bail application of the petitioner and the approach of the Court in the case of accused suffering from HIV succinctly in the case of Bhawani Singh vs. State of Rajasthan by the Apex Court on which the learned counsel for the petitioner relies on.

6. In the peculiar circumstances of the case at hand, this Court is of the considered view that interest of justice would subserved if the petitioner is permitted to re-agitate his bail application before the learned Court below and the Court in seisin over the matter is requested to take into account the medical condition of the petitioner in the light of the judgment of the Apex Court referred to herein above.

7. Accordingly, the BLAPL stands disposed of.

8. Urgent certified copy of this order be granted as per rules.

(V. NARASINGH)
Judge

Santoshi