

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10237 of 2022

Jibana Sabar

....

Petitioner

Mr. D.R. Bhokta, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
08.12.2022

Order No.

02.

1. Heard learned counsel for the Petitioner and learned counsel for the State.

2. The Petitioner is an accused in connection with T.R. Case No.86 of 2022 pending on the file of the learned Addl. Sessions Judge-cum-Special Judge, Gunupur, arising out of P.R No.38 of 2022-23 for commission of the offence under Section 20(b)(ii)(c) of the N.D.P.S Act.

3. Being aggrieved by the rejection of his application for bail U/s. 439 Cr.P.C. by the learned Addl. Sessions Judge-cum-Special Judge, Gunupur by order dated 05.08.2022, the present BLAPL has been filed.

4. It is submitted by the learned counsel that the Petitioner is in custody since 25.07.2022 and as final P.R. has been filed since 20.11.2022, his further continuance in custody is not warranted.

5. He further submits that the manner in which the seizure was effected from a jungle, conscious exclusive possession cannot be attributed to the Petitioner.
6. Learned counsel for the State opposes the prayer for bail.
7. Taking into account the nature of allegation and the manner of seizure, as noted, 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.
8. Learned counsel for the Petitioner submits that he is not in a position to apprise this Court about the criminal antecedent of the Petitioner.
9. While releasing the Petitioner on bail, learned Court below shall verify assertion regarding criminal antecedent of similar nature. If the Petitioner has such antecedent, this order shall stand recalled without further reference to the Bench.
10. The BLAPL thus stands disposed of.
11. Urgent certified copy of this order be granted as per rules.

(V. NARASINGH)
Judge

PKS