

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11182 of 2022

Sudhakar Pradhan

....

Petitioner

Mr. A.R. Panda, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
23.12.2022

Order No.

01. 1. Heard learned counsel for the Petitioner and learned counsel for the State.
2. The Petitioner is an accused in 2(a)CC Case No.29 of 2022 pending on the file of learned Sessions Judge-cum-Special Judge, Cuttack, arising out of P.R No.72 of 2022, for commission of offence under Sections 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 Sessions Judge-cum-Special Judge, Cuttack by order dated 01.11.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted by the learned counsel that the Petitioner is in custody since 11.05.2022 on the accusation of being an occupant of the vehicle bearing registration number OD-02-AK-9318 and allegedly carrying contraband to the tune of 82 Kg. of Ganja.

5. Relying on the final form, learned counsel for the Petitioner submits that the Petitioner was an innocent passenger in the vehicle and had no clue that the same was carrying contraband.

6. It is submitted that the Petitioner is a victim of circumstance and since he is the first offender, taking into account the nature of accusation, he may be released on bail.

7. Per contra, learned counsel for the State opposes the prayer for bail relying on the bar contained in Section 37 of the N.D.P.S Act.

8. Taking into account the age of the Petitioner and the manner of accusation, 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.

9. Before releasing the Petitioner on bail, learned Court below shall verify assertion regarding **criminal antecedent of similar nature**. If it comes to fore that the Petitioner has such criminal antecedent, this order shall stand recalled.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

PKS