

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.12060 of 2022

Babu @ Sujit Swain

....

Petitioner

Mrs. S. Dash, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, 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 connection with Special (NDPS) Case No.49 of 2022, pending in the file of the learned Sessions Judge-cum-Special Judge, Boudh, arising out of Boudh P.S. Case No.225 dated 13.09.2021, for alleged commission of offences under Sections 20(b)(ii)(C)/29 of NDPS Act.

3. 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 26.11.2022 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 19.07.2022 and as charge-sheet has already been filed on 03.12.2022, his further continuance is unwarranted.

5. It is submitted, on instruction, that the accusation is on account of co-accused statement and though the incident is alleged

to have taken place on 13.09.2021, the petitioner was taken into custody on 19.07.2022 on extraneous consideration, because of his political affinity.

6. Learned counsel for the State opposes the prayer for bail inter alia relying on the bar contained under Section 37 of NDPS Act.

7. Considering the manner of implication and the period of custody, this Court directs the petitioner to be released on bail on terms to be fixed by the learned Court in seisin.

8. Since the petitioner has criminal antecedent though not of similar nature, it is additionally directed that he shall appear before the local police station once every month on such date and time to be fixed by the learned Court in seisin till conclusion of trial.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

PKS