

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 2446 of 2022

Sakibul Islam

....

Petitioner

Mr. S. Nanda, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
30.08.2022

Order No.

04.

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 Special Case No.42 of 2022 arising out of P.R. Case No.160 of 2021-22, pending in the file of learned Special Judge, Balasore, under Section 20(b)(ii)/C of the NDPS and is in custody since 28.02.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Special Judge, Balasore by order dated 07.03.2022 in the aforementioned case, the present BLAPL has been filed.
5. Learned counsel for the petitioner submits that the contraband was seized to the tune of 21 K.G. (Ganja). It is asserted that from the manner of seizure wrong weightment cannot be ruled

out so as to bring it between the bar contained under Section 37 of the NDPS Act, hence seeks release of the petitioner on bail.

6. Learned counsel for the State opposes the prayer in view of the bar contained under Section 37 of the NDPS and also submits that the petitioner is a flight risk.

7. Taking into account the quantity of contraband seized and the period of custody and considering the submission of the learned counsel for the petitioner that the final P.R. has been submitted and the trial has not commenced, in view of the law laid down by the Apex Court in the case of *Hussainara Khatoon & Ors vs. State of Bihar* reported in *(1980) 1 SCC 81*, 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. Additionally, it is directed that the petitioner shall appear before the jurisdictional police station once every week till the conclusion of trial.

9. Considering that the petitioner is an outsider this Court directs that one of the surities shall be immediate family member and other surety shall be local person.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi