

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No.5810 of 2022**

***Nanda Mondal***

***Petitioner***  
.....  
*M/s. S.C.Mohanty, Advocate*

***-versus-***

***State of Orissa***

***Opp. Party***  
.....  
*M/s.P.K.Patnaik, A.G.A.*

**CORAM:**

**JUSTICE G. SATAPATHY**

**ORDER**

**16.11.2022**

**Order No.**

- 03.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
  2. This is an application U/S. 439 of Cr.P.C. by the Petitioner for grant of bail in connection with Badambadi P.S. Case No. 144 of 2022 corresponding to G.R.(Spl) No.14 of 2022 pending in the Court of learned Sessions Judge-cum-Special Judge, Cuttack for commission of offence punishable U/Ss. 20(b)(ii)(B) of the N.D.P.S. Act on the allegation of possessing 10Kgs. 500grams of contraband Ganja.
  3. In the course of hearing of the bail application, Mr.S.C.Mohanty, learned counsel for the petitioner submits that the quantity of contraband Ganja allegedly seized in this case is not coming under commercial quantity so as to apply the rigors of Section 37 of N.D.P.S. Act and the petitioner having detained in custody for more than five months may kindly be enlarged on bail.
  4. On the contrary, learned counsel for the State, however, strongly opposes the bail application of the petitioner.
  5. Considering the rival submissions made, nature and character of accusations raised against the petitioner, quantity of contraband

Ganja allegedly seized in this case and taking into consideration other circumstance in entirety, this Court grants bail to petitioner.

6. Hence, the prayer for bail of the petitioner is allowed and the Petitioner be released on bail on furnishing bail bonds of Rs.50,000/- with two solvent sureties each for the like amount to the satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper with further conditions that the petitioner shall not commit similar type of offence while on bail and that the petitioner shall not leave the jurisdiction of the trial Court without prior permission till conclusion of the trial and that the petitioner shall attend the trial Court on each date of posting of the case unless his attendance is dispensed with and that the petitioner shall report attendance before the jurisdictional Police Station once in a fortnight preferably on second Saturday of every month in between 10 A.M. to 12 Noon. The I.I.C. of jurisdictional Police Station shall not detain the petitioner unnecessarily after recording his attendance beyond the time as stipulated.

It is clarified that the Special Judge will be at liberty to cancel the bail of the petitioner without further reference to this Court, if any of the above conditions are violated or a case for cancellation of bail is otherwise made out.

7. Accordingly, the BLAPL stands disposed of.

8. Urgent certified copy of the order be granted on proper application.