

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5811 of 2022

Kartik Hazra & another

.... ***Petitioners***
Mr. A.K. Das(1), Advocate

-versus-

State of Odisha

.... ***Opp. Party***
Mr. P.K. Pattanaik, AGA

CORAM:
JUSTICE G. SATAPATHY

ORDER
28.10.2022

Order No.

05. 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 petitioners for grant of bail in connection with Spl. Case No.118 of 2022 arising out of P.R. Case No.47 of 2022-2023 pending in the file of learned Sessions Judge-Cum-Special Judge, Balasore for commission of offences punishable under Sections 20 (b)(ii)(C) of the N.D.P.S. Act, on the allegation of possessing 22kgs. of contraband Ganja.
3. In the course of hearing of the bail application, learned counsel for the petitioners submits that the petitioners are inside jail custody since 27.05.2022 and the materials on record do not disclose any justification of the detention of the petitioners in jail custody. It is also submitted by him that even if the materials on record are taken to be true, no offence U/S. 20 (b)(ii)(C) of the N.D.P.S. Act is made out against any of the petitioner as there is allegation against two persons carrying contraband Ganja with one packet which if divided amongst them would come to one half for each and that would not come under commercial quantity. Learned counsel for the petitioners

under this submission prays to enlarge the petitioners on bail.

4. On contrary, learned counsel for the State opposes the bail application of the petitioners vehemently by inter alia contending that release of the petitioners on bail would encourage them to repeat the offence again and again. It is accordingly prayed to reject the bail application of the petitioners.

5. Considering the rival submissions of the parties and taking into consideration the pre-trial detention of the petitioners as well as completion of investigation and the fact that no criminal antecedent is reported against the petitioners and keeping in view the circumstance of apprehension of the petitioners in this case, this Court considers the bail application of the petitioners leniently.

6. Hence, the prayer for the bail of the petitioners stands allowed and the petitioners are allowed to go on bail on furnishing bail bonds of Rs.50,000/- each with two local sureties 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 petitioners shall not commit similar type of offence while on bail and that they shall attend the trial Court on each date of posting without fail unless their attendance is dispensed with and that they shall not leave the jurisdiction of the trial Court without prior permission till disposal of the case.

7. Accordingly, the BLAPL stands disposed of.

8. Issue urgent certified copy of the order as per Rules.

(G. Satapathy)
Judge

Subhasmita