

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 5837 OF 2022

Ramesh Khillo & Another

..... Petitioners
Mr. B.R. Tripathy, Advocate

-versus-

State of Odisha

..... Opposite Party
Mr. K.K. Gaya, ASC

CORAM:

JUSTICE V. NARASINGH

ORDER
18.07.2022

Order No.

01.

1. This matter is taken up through Hybrid Mode.
2. The petitioners are accused in connection with T.R. Case No. 17 of 2022 arising out of Inspector of Excise, Rayagada Range P.R. No. 29/2022-23 P.S. Case No. 27 of 2020, pending on the file of the learned Sessions Judge, Rayagada for the alleged commission of offence under Sections-21(b)(ii)(B) 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, Rayagada by Order dtd. 17.06.2022 in T.R. No.17 of 2022, the present BLAPL has been filed.
4. Heard learned counsel for the petitioners and learned Counsel for the State.
5. It is submitted by the learned counsel for the petitioners that from the nature of the seizure, it cannot be said that the

petitioners are in conscious and exclusive possession of the contraband to the tune of 10 Kgs.

6. Learned counsel for the State on the other hand submits that since the investigation is not completed, as noted by the learned Special Judge, the bail application of the petitioner could not be considered at this Stage.

7. Taking into account, the age of the petitioners and the nature of allegation as noted in the order of rejection by the learned Special Judge, this Court directs the petitioners to be released on bail on such terms and conditions to be fixed by the learned Court in seisin over the matter .

8. While so releasing, the learned Court shall take into account the criminal proclivity of the petitioners since it is stated at the Bar that the petitioners have no criminal antecedents.

9. If it comes to the fore that the petitioners have any criminal antecedents, then the order shall stand recalled without further reference to this Court.

10. The Bail Application thus stands disposed of.

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

Balaram

*(V.Narasingh)
Judge*