

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6225 of 2022

Rana Tikina Dora

....

Petitioner

Mr. S.S. Dash, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

19.12.2022

Order No.

04.

1. Heard learned counsel for the petitioner and learned counsel for the State.

2. The petitioner is an accused in connection with 2(a) CC Case No.47 of 2022-N, pending in the Court of the learned Sessions Judge-cum-Special Judge, Ganjam, Berhampur, arising out of P.R. No.18 of 2022-23, for alleged commission of offences under Sections 20(b)(ii)(C) of NDPS 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, Ganjam, Berhampur, by order dated 09.06.2022 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 29.05.2022 and form C-5 indicating conclusion of investigation that has been submitted by the Excise Department on 19.11.2022, is taken on record.

5. It is submitted by the learned counsel for the petitioner that the quantity of contraband seized is 23Kgs (Ganja) and that wrong weighing cannot be ruled out so as to attract the bar under Section 37 of the NDPS Act.

6. Learned counsel for the State opposes the prayer submitting that the defence as advanced is a figment of petitioner's imagination and in view of the bar under Section 37 of the NDPS Act, he ought not to be released on bail.

7. Taking into account quantity of contraband seized and the age of the petitioner and that he is a first offender and there is bleak chance of early trial, this Court directs the petitioner to be released on bail on terms to be fixed by the learned Court in seisin.

8. Before releasing the petitioner, learned Court in seisin shall verify assertion regarding the criminal antecedents of similar nature. If it comes to the fore that the petitioner has such criminal antecedent, this order shall stand recalled.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha