

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6447 of 2022

Jayram Nahare & Another

....

Petitioners

Mr. N.C. Mohanty, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
15.09.2022

Order No.

02.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioners and learned counsel for the State.
3. The petitioners are accused in Titlagarh GRPS Case No.22 of 2022 corresponding to Special G.R. Case No.30 of 2022, pending in the Court of the learned Special Judge -cum- Additional Sessions Judge, Titlagarh, for the alleged commission of offences under Section 20(b)(ii)(B) of NDPS Act.
4. Being aggrieved by the Rejection of their application for bail U/s.439 Cr.P.C. by the learned Special Judge -cum- Additional Sessions Judge, Titilagarh, by order dated 24.06.2022 in the aforementioned case, the present BLAPL has been filed.
5. Perused the order of rejection.
6. It is submitted by the learned counsel for the petitioners that the contraband seized is to the tune of 11 kg 700 gms which is less than the commercial quantity and hence it is submitted that as charge-sheet has already been filed, the petitioners who are husband

and wife and in fact newly married couple, they may be released on bail.

7. Learned counsel for the State opposes the prayer for bail and also submits that the petitioners being outsiders ought not to be released on bail as there is every likelihood of they are fleeing justice for which the trial cannot take place.

8. Taking into account the submission of learned counsel for the petitioners and keeping in view that petitioner No.2 is a lady, this Court directs the petitioner No.2 to be released on bail on such terms to be fixed by the Court in seisin over the matter.

9. Since the consideration by the learned Court in seisin over the matter of the bail application of petitioner No.1 was during the currency of investigation, this Court grant leave to the petitioner No.1 to renew his prayer.

10. It shall consider the same on its own merits without being influenced by its earlier order or order passed by this Court. The final form is taken on record.

11. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha