

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6550 of 2022

Raghuram Krisani & Another

Petitioners

Mr. S.R. Das, Advocate

-versus-

State of Odisha

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

09.11.2022

Order No.

04.

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 connection with G.R. Case No.26 of 2022, pending in the Court of the learned 1st Additional Sessions Judge -cum- Special Judge, Rourkela, arising out of Plantsite P.S. Case No.171 of 2022, for alleged commission of offences under Section 20(b)(ii)(C) of the N.D.P.S. Act.
4. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned 1st Additional Sessions Judge-cum- Special Judge, Rourkela, by order dated 06.07.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioners that keeping in view the manner in which the seizure has been effected, it cannot be said that the petitioners are in conscious and

exclusive possession of the contraband (Ganja) to the tune of 22Kgs 900gms.

6. It is further submitted that wrong weighment also cannot be ruled out so as to attract the rigor of Section 37 of the NDPS Act.

7. Learned counsel for the petitioners has submitted the final form which is taken on record. And submits that since final form has already been submitted, in the factual matrix of the case at hand, further continuance of the petitioners in custody is unwarranted.

8. Learned counsel for the State opposes the prayer for bail inter alia relying on Section 37 of the NDPS Act and it is his further submission that the grounds as advanced by the learned counsel for the petitioners regarding possession and weighment are figments of his imagination and cannot be considered in view of the bar contained in Section 37 of the NDPS Act.

9. Taking into account the quantity of contraband seized and submission of final form and that the petitioners live in the territorial jurisdiction of the Court in seisin over the matter and considering their age, this Court directs the petitioners to be released on bail on such terms to be fixed by the Court in seisin over the matter.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha