

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6562 of 2022

Jilu Khuntia and another

....

Petitioners

Mr. J.K. Panda, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

14.10.2022

Order No.

03.

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 Special Case No.162 of 2022 pending on the file of learned Sessions Judge-cum-Special Judge, Balasore, arising out of Excise Nilagiri P.R. Case No.17 of 2022-23, for alleged commission of offences under Sections 20(b)(ii)(C) of the NDPS Act read with Section-8(c) of the NDPS Act.
4. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned Sessions Judge-cum-Special Judge, Balasore 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 petitioner that the contraband was seized is to the tune of 21 Kgs and it is also

urged that wrong weighment cannot be discarded at this stage so as to bring it within bar contained in Section 37 of the NDPS Act.

6. It is further submission of the learned counsel for the petitioner that from the manner of seizure conscious exclusive possession cannot be readily attributed to the petitioner.

7. Taking into account the quantity of contraband seized and the petitioners being in custody since 29.06.2022 and substantial progress in investigation, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin over the matter.

8. Additionally it is directed that the petitioners shall appear before the Patapur Police station once every week till the submission of final form.

9. Since it is stated by the learned counsel for the petitioners on instructions that they have no criminal antecedents of any nature. The learned Court in seisin over the matter is requested to verify the same before release, in the event it comes to fore the petitioners have criminal antecedents of any nature, this order shall stand recalled.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge