

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6624 of 2022

Mana Meher & another

....

Petitioners

Mr. T.P. Mohapatra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. M. Mishra, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
09.12.2022

Order No.

03.

1. Heard learned counsel for the Petitioners and learned counsel for the State.
2. The Petitioners are accused in connection with S.A No.42 of 2022 pending on the file of the learned Special Judge, Nuapada, arising out of P.R No.12 of 2022-23 for commission of the alleged offence under Section 20(b)(ii)(C) of the N.D.P.S Act.
3. Being aggrieved by the rejection of their application for bail U/s. 439 Cr.P.C. by the learned Special Judge, Nuapada by order dated 06.07.2022, the present BLAPL has been filed.
4. Learned counsel for the Petitioners on instruction submits that the charge sheet has been filed on 22.08.2022 and the Petitioners are in custody since 23.06.2022. Therefore, their further continuance in custody is not warranted.
5. It is stated that taking into account the contraband (ganja) seized to the tune of 20 Kg. 100 Grams the wrong weighment

cannot be ruled out so as to attract the bar contained in Section 37 of the N.D.P.S Act.

6. Learned counsel for the State opposes the prayer for bail, inter alia, on the ground that the defence plea of wrong weighment cannot be entertained at this stage in view of the specific restrictions on the Court to entertain the bail application under Section 37 of the N.D.P.S Act. Hence, the Petitioners ought not to be released on bail.

7. Considering the quantity of the contraband (Ganja) seized and filing of the charge sheet, this Court directs the Petitioners to be released on bail on such terms to be fixed by the learned court in seisin.

8. Learned counsel for the Petitioners submits that he is not in a position to apprise this Court about the criminal antecedent of the Petitioners.

9. While releasing the Petitioners on bail, learned Court below shall verify assertion regarding **criminal antecedent of similar nature**. If the Petitioners have such antecedent, this order shall stand recalled without further reference to the Bench.

10. The BLAPL thus stands disposed of.

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

(V. NARASINGH)
Judge

PKS