

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No. 6628 of 2022**

***Ritesh Kumar Singh***

....

***Petitioner***

Mr. S.D. Das, Sr. Advocate

*-versus-*

***State of Odisha***

....

***Opposite Party***

Mr. A. Pradhan, ASC

**CORAM: JUSTICE V. NARASINGH**

**ORDER**

**20.12.2022**

**Order No.**

**04.**

1. Heard Mr. S.D. Das learned senior counsel assisted by Mr. H. Mohanty, learned counsel for the petitioner and Mr. A. Pradhan, learned Additional Standing Counsel for the State.

2. The petitioner is an accused in connection with T.R. No.74 of 2022, pending in the Court of the learned Additional Sessions Judge -cum- Special Judge, Gunupur, arising out of P.S. Case No.128 of 2022, for alleged commission of offences under Sections 20(b)(ii)(C)/29 of NDPS Act.

3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge -cum- Special Judge, Gunupur, by order dated 23.06.2022 in the aforementioned case, the present BLAPL has been filed.

4. It is submitted by the learned senior counsel that the petitioner is facing accusation for possessing contraband to the tune of 21 Kgs (Ganja) and is in custody since 07.06.2022 and in the

meanwhile as charge-sheet has been filed, further continuance of the petitioner in custody is unwarranted.

5. It is also submitted that taking into account the quantity, the wrong weighment also cannot be ruled out so as to attract the bar under Section 37 of NDPS Act.

6. Learned counsel for the State opposes the prayer for bail relying on the statutory bar under Section 37 of NDPS Act and submits that the defence plea of wrong weighment cannot be agitated at this stage.

7. It is the further submission of the learned counsel for the State that as the petitioner is not residing within the territorial jurisdiction of the learned Court in seisin, as evidenced, it would be difficult to ensure his presence during trial.

8. Taking into account the manner of seizure, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin.

9. To allay the legitimate apprehension expressed by the learned counsel for the State regarding the appearance during trial, it is directed that the learned Court shall impose suitable terms including local surety.

10. Accordingly, the BLAPL stands disposed of.

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

**(V. NARASINGH)**  
**Judge**

*Ayesha*