

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6762 of 2022

Vikash Kumar and another

....

Petitioners

Mr. U.C. Mishra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
20.10.2022

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 T.R. Case No.139 of 2022, pending in the file of learned Special Judge-cum-District & Sessions Judge, Khurda at Bhubaneswar, arising out of G.R.P.S. Case No.61 of 2022, offence under Sections 20(b)(ii)(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, Khurda at Bhubaneswar by order dated 07.07.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted that the petitioners are in custody since 13.04.2022 and charge sheet has been filed on 11.10.2022 and

contraband seized being to the tune of 22kgs 600 gms, petitioners may be released on bail.

6. Learned counsel for the State opposes the prayer for bail inter alia on the ground that in view of the bar contained under Section 37 of the NDPS Act, the petitioners are to entitled to be released and it is also stated that since the petitioners are not residence of the State, would be possible to ensure their presence in trial. Hence, the bail application does not merit consideration.

7. Taking into account the quantity of contraband and the manner in which such seizure has been made to the tune of 11kg 300 gms from each of the petitioners (Ext.A and B) and keeping in view the age of the petitioners, this Court is persuaded to direct the release of the petitioner on bail. Learned Court in seisin over the matter to fix terms so as to ensure their presence on each date of trial.

8. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge