

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7224 of 2022

Prakash Purohit & Another ***Petitioners***

Mr. B.K. Ragada, Advocate

-versus-

State of Odisha ***Opposite Party***

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
20.12.2022

Order No.

05.

1. Heard learned counsel for the petitioners and learned counsel for the State.

2. The petitioners are accused in 2(a) CC Case No.16 of 2022, pending in the Court of the learned Special Judge, Jharsuguda, arising out of EI & EB Unit-II, Northern Division, Sambalpur P.R. No.197 of 2022-23, for commission of alleged offences under Section 20(b)(ii)(B) of NDPS Act.

3. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned Special Judge, Jharsuguda, by order dated 30.06.2022 in the aforementioned case, the present BLAPL has been filed.

4. It is submitted that the petitioners are in custody for possessing contraband to the tune of 17 Kgs (Ganja) and as final P.R. has been submitted on 12.09.2022, their further continuance in custody is unwarranted.

5. The final P.R. submitted by the learned counsel for the petitioner is taken on record.
6. Learned counsel for the State opposes the prayer for bail inter alia on the ground that the presence of the petitioner could not be secured during trial, since they are from outside.
7. Taking into account the nature of allegations and the quantity of contraband seized, this Court directs the petitioners to be released on bail on such terms to be fixed by the learned Court in seisin.
8. Since the petitioners do not reside within the territorial jurisdiction of the Court in question, it is directed that one of the members of the family of both the petitioners shall execute a P.R. bond in addition to the sureties as fixed by the learned Court in seisin.
9. Before releasing the petitioners, criminal antecedent of the petitioners from the respective police station in question i.e. of Uttar Pradesh and Chhatisgarh, Shall be called for and if it is found that the petitioners are involved in any case, this order shall not be given effect to since, the petitioner does not reside within the territorial jurisdiction of the learned Court in question.
10. Accordingly, the BLAPL stands disposed of.
11. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge

Ayesha