

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

**BLAPL No. 7261 of 2022**

***Guru Murty Hantal***

....

***Petitioner***

Mr. A. N. Pattanayak, Advocate

-versus-

***State of Odisha***

....

***Opposite Party***

Mr. Karunakar Gaya, ASC

**CORAM: JUSTICE V. NARASINGH**

**ORDER**  
**29.11.2022**

**Order No.**

**02.**

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner is an accused in T.R. Case No.17 of 2022, pending on the file of learned Sessions Judge-cum-Special Judge, Jeypore, arising out of Jeypore Sadar P.S. Case No.115 of 2022, for commission of alleged offences under Section 20(b)(ii)(C) of NDPS Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge-cum-Special Judge, Jeypore by order dated 09.06.2022 in the aforementioned case, the present BLAPL has been filed.
5. Learned counsel for the petitioner submits that that accusation against him is that he along with co-accused Babula Khilo was escorting the Nano Car bearing registration No.OR-

14W-0490 in a motor cycle and stated that admittedly there is no seizure from the motor bike and the seizure of 101 kgs of contraband (ganja) was from the Nano Car.

6. Hence, it is submitted that there being no seizure from the petitioner and as charge sheet had already been filed, further continuance of the petitioner in custody is not warranted.

7. Learned counsel for the State opposes the prayer for bail inter alia on the ground of bar contained under Section 37 of the NDPS Act.

8. Since admittedly there being no seizure from the petitioner and considering his age and that he resides within the territorial jurisdiction of the Court in seisin, 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.

9. While enlarging the petitioner on bail the learned court below shall verify assertion regarding criminal antecedent of the petitioner of similar nature. If it comes to the fore that the petitioner has any such criminal antecedent, this order shall stand recalled without any further reference to this Court.

10. Accordingly, the BLAPL stands disposed of.

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

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