

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7590 of 2022

Srikant Das and another

....

Petitioners

Mr. B.B. Routray, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
28.09.2022

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 G.R. Case No.41 of 2022, pending in the file of learned Additional Sessions Judge-cum-Special Judge, Rourkela, arising out of Plant Site P.S. Case No.273 of 2022, offence under Sections 20(b)(ii)/C/25 and 29 of the NDPS Act.
4. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge-cum-Special Judge, Rourkela by order dated 01.08.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioners that on the quantity of contraband seized wrong weighment cannot be ruled out so as to bring it within mischief of Section 37 of the NDPS Act.

6. Learned counsel for the State opposes the prayer submitting that since investigation has not been concluded such submission cannot be taken into account even otherwise the same is far-fetched.

7. Keeping in view of the bar under Section 37 NDPS Act and taking into account that the contraband seized is to the tune of 21 kgs 497 grams and substantial progress in the investigation and the age of the petitioners, this Court directs the petitioners to be released on bail on such terms to be fixed by the learned Court in seisin over the matter so as to ensure his presence on each date of trial.

8. Learned counsel for the petitioner states that petitioners have no criminal antecedents of similar nature. While enlarging the petitioner on bail the learned court below shall verify assertion regarding their criminal proclivity of similar nature. If it comes to the fore that the petitioners have any criminal antecedent of similar nature this order shall stand recalled.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi