

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7591 of 2022

Amiya Kumar Rout @ Kumari* *Petitioner

Mr. B.B. Routray, Advocate

-versus-

State of Odisha* *Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
21.10.2022

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 Special 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, for commission of offence under Sections 20(b)(ii)/C/25 and 29 of the NDPS Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned 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 Petitioner that on the quantity of contraband seized wrong weightment cannot be ruled out so as to bring it within the restriction envisaged under Section 37 of the NDPS Act regarding grant of bail.

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. Taking into account that the contraband Ganja seized is to the tune of 21 kgs 497 grams and substantial progress in investigation and the age of the Petitioners, 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 so as to ensure his 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

PKS

