

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7622 of 2022

Sankar Bindhani & Another

Petitioners

Mr. S. Panda, Advocate

-versus-

State of Odisha

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
22.11.2022

Order No.

05.

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 connection with T.R. Case No.250 of 2022, pending before the Court of the learned District & Sessions Judge, Khurda at Bhubaneswar, arising out of Saheed Nagar P.S. Case No.289 dtd 26.06.2022, for alleged commission of offences under Section 21(b) 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 21.07.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioners that the petitioners are in custody since 27.06.2022 and since charge-sheet has already been filed on 24.08.2022, indicating that

the contraband seized is to the tune of 39gms, further continuance of the petitioners in custody is unwarranted, since the same is admittedly less than the commercial quantity as prescribed.

6. Learned counsel for the State opposes the prayer for bail inter alia stating that the offences of this nature are rampant and the petitioners ought not to be released, merely because the final form has been submitted.

7. Taking into account the submission of charge-sheet and the contraband being less than the commercial quantity, this Court directs the petitioners to be released on bail on such terms to be fixed by the Court in seisin over the matter.

8. While releasing the petitioners on bail, the learned Court below shall verify assertion regarding criminal antecedent of the petitioners. If it comes to the fore that the petitioners have any criminal antecedents, this order shall stand recalled without any further reference to this Court.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha