

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7832 of 2022

Ananta Khatua and another ***Petitioners***

Mr. D.R. Parida, Advocate

-versus-

State of Odisha ***Opposite Party***

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
28.10.2022

Order No.

03.

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 C.T. (NDPS) Case No.14 of 2022, pending in the file of learned District and Sessions Judge-cum-Special Judge, Jajpur, arising out of P.R. Case No.25 of 2022-23, alleged commission of offence under Sections 21(b) of NDPS Act.
4. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned District and Sessions Judge-cum-Special Judge, Jajpur by order dated 08.08.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioners that petitioners who are Siblings are in custody since 25.07.2022 and admittedly the final P.R. having been submitted in the

meanwhile, further continuance of the petitioner in custody is not warranted.

6. Learned counsel for the State opposes the prayer for bail in view of the rigors of NDPS Act.

7. On perusal of the record it comes to the fore that the petitioners are accused of possessing 60 gms of heroin (Brown Sugar) which admittedly less than the commercial quantity of 250 gms as prescribed.

8. Taking into account that the petitioner No.1 is aged about 24 years and the Petitioner No.2 is a lady, this Court is persuaded to direct the release of the petitioners on bail keeping in view the statement made at the bar that they are first offenders. The learned Court in seisin over the matter to fix the terms.

9. While enlarging the petitioners on bail the learned court below shall verify assertion regarding thier criminal proclivity. If it comes to the fore that the petitioners have any criminal antecedent this order shall stand recalled.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi