

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8038 of 2022

Jamir Halsana

....

Petitioner

Mr. A.R. Panda, Advocate

-versus-

State of Orissa

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
08.12.2022

Order No.

02.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. The petitioner is an accused in connection with Special Case No.56 of 2022, pending before the learned Sessions Judge - cum- Special Judge, Balasore, arising out of Khaira Excise P.R. No.56 of 2022, for alleged commission of offences under Sections 20(b)(ii)(B)/8(C) of the N.D.P.S. Act.
3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Special Judge, Balasore, by order dated 02.08.2022 in the aforementioned case, the present BLAPL has been filed.
4. Admittedly since the quantity of the contraband (Ganja) is to the tune of 18Kgs, which is less than the commercial quantity as prescribed and keeping in view that the petitioner is in custody

since 30.07.2022, this Court directs the petitioner to be released on bail on such terms to be fixed by the Court in seisin over the matter.

5. While releasing the petitioner on bail, the learned Court in seisin over the matter shall verify assertion regarding criminal antecedents of similar nature. If it comes to the fore that the petitioner has such criminal antecedent, this order shall stand recalled.

6. To allay the legitimate apprehension of the learned counsel for the State that the petitioner does not reside within the territorial jurisdiction of the Court in seisin and his presence cannot be ensured during the trial, this Court directs that one of the immediate family members shall execute a personal bond.

7. Accordingly, the BLAPL stands disposed of.

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

Ayesha

