

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8149 of 2022

Sriman Sridhar Dixit

....

Petitioner

Mr. S.K. Nayak, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

19.12.2022

Order No.

02.

1. Heard learned counsel for the petitioner and learned counsel for the State.

2. The petitioner is an accused in G.R. Case No.18 of 2022, pending in the file of learned Special Judge, Gajapati, Paralakhemundi arising out of Mohana P.S. Case No.21 of 2022, for alleged commission of offence under Sections 20(b)(ii)(C)/25/29 of the NDPS Act.

3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Special Judge, Gajapati by order dated 05.07.2022 in the aforementioned case, the present BLAPL has been filed.

4. Since the consideration by the learned Court in seisin was prior to the filing of charge sheet, this Court is **not inclined** to entertain this bail application without having a benefit of consideration by the learned trial Court.

5. Accordingly, the BLAPL stands disposed of.

6. Liberty is granted to the petitioner to renew his prayer before the learned Court in seisin and also move an application for interim bail on account of ill health of his mother which shall be considered on its own merit without being influenced by the earlier rejection or the order passed by this Court.

(V. NARASINGH)
Judge

Santoshi

