

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8181 of 2022

***Abhijeet Vikas Shinde and
another***

....

Petitioners

Mr. R. Singh , Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

**ORDER
19.12.2022**

Order No.

02.

1. Heard learned counsel for the petitioners and learned counsel for the State.
2. The petitioners are accused in connection with G.R. Case No.58 of 2021(N), pending in the Court of the learned 1st Additional Sessions Judge-cum-special Judge, Berhampur, Ganjam, arising out of GRPS Case No.46 of 2021, for alleged commission of offences under Sections 20(b)(ii)(c) of the NDPS Act.
3. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned 1st Additional Sessions Judge-cum-Special Judge, Berhampur, Ganjam, by order dated 04.08.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted that the petitioners have been taken into custody since 15.12.2021 and charge sheet has been filed on 30.06.2022, their further continuance in custody is not warranted taking into account the manner in which they are being implicated for possessing contraband to the tune of 30kg 600 grams of ganja.
5. Learned counsel for the State opposes the prayer for bail.

6. Considering that the petitioners are in custody since 15.12.2021 for more than a year and bleak chance of early trial as stated, this Court directs the petitioners to be released on bail on such terms to be fixed by the learned Court in seisin.

7. Since the petitioners are not resident of the state of Odisha, taking into account the submission of the learned counsel for the State that it would be difficult to secure their presence at trial, this Court directs that suitable terms be fixed by the learned Court in seisin after getting report from the concerned police station from Maharashtra regarding their criminal antecedent. If it comes to the fore that the petitioners have **criminal antecedent of similar nature** since they are from the outside state, this order shall stand recalled.

8. Additionally, it is directed that one of the immediate members of the family of the petitioners shall execute the P.R. bond in addition to the sureties fixed by the learned Court in seisin.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi