

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8363 of 2022

***Girish Chandra Samal and
another***

Petitioners

Ms. R. Biswal, Advocate

-versus-

State of Odisha

Opposite Party

Mr. S. Patra, ASC

CORAM: JUSTICE V. NARASINGH

**ORDER
28.10.2022**

Order No.

02.

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.(SPL) NDPS Case No.13 of 2022, pending in the file of learned Addl. Special Judge, Talcher, arising out of Samal P.S. Case No.241 of 2022, alleged commission of offence under Sections 21(b) of NDPS Act and is in custody since 22.08.2022.
4. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the Addl. Special Judge, Talcher by order dated 25.08.2022 in the aforementioned case, the present BLAPL has been filed.
5. Taking into account that the contraband seized (Brown Sugar) is to the tune of 05 grams 240 mg, which is less than the

commercial quantity and considering the submission of the learned counsel for the petitioner that the petitioners are the first offender and that charge sheet has been filed on 20.10.2022, this Court directs the petitioners to be released on bail on such terms to be fixed by the learned Court in seisin over the matter.

6. While enlarging the petitioners on bail, the learned court below shall examine as to whether the petitioners are the first offender, as stated. If it comes to the fore that the petitioners have any criminal antecedent, this order shall stand recalled.

7. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi

