

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8414 of 2022

Juma Khan

....

Petitioner

Mr. Abhas Mohanty, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
03.11.2022

Order No.

02.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the Petitioner and learned counsel for the State.
3. The Petitioner is accused in connection with T.R Case No.307 of 2022, pending on the file of the learned District and Sessions Judge, Khurda at Bhubaneswar, arising out of Infocity P.S. Case No.191 of 2022 for the alleged commission of offence under Section 20(b)(ii)(B) of the N.D.P.S. Act.
4. Being aggrieved by the rejection of his application for bail U/s. 439 Cr.P.C. by the learned Sessions Judge, Khurda at Bhubaneswar by order dated 17.08.2022, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the Petitioner that the Petitioner is in custody since 6.8.2022 and as charge sheet has been filed in the meanwhile, his further continuance in custody is

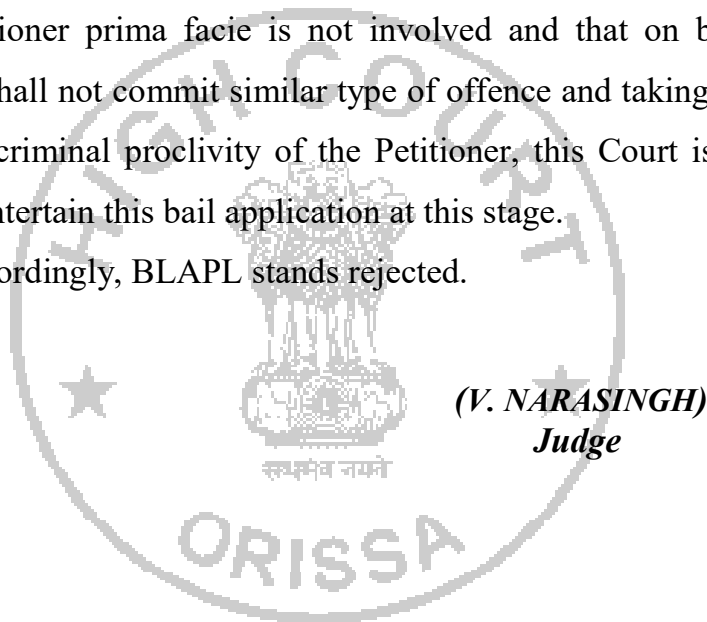
unwarranted since contraband (ganja) seized being 3 Kg. 800 grams. Hence, it is stated that the bar contained in Section 37 of the N.D.P.S. is not attracted.

6. Learned counsel for the State opposes the prayer for bail, inter alia, on the ground that the Petitioner has similar antecedent inasmuch as he is an accused in Info City P.S. Case No.146 of 2019 under Section 20(b(ii)(c) of the N.D.P.S. Act.

7. In view of the stipulations contained in Section 37 of the N.D.P.S Act, which requires the court to arrive at twin satisfactions i.e. the Petitioner prima facie is not involved and that on being released he shall not commit similar type of offence and taking into account the criminal proclivity of the Petitioner, this Court is not inclined to entertain this bail application at this stage.

8. Accordingly, BLAPL stands rejected.

PKS



(V. NARASINGH)
Judge