

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8632 of 2022

Manish Kumar @ Manish

....

Petitioner

Mr. S.S. Ray, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
23.12.2022

Order No.

01. 1. Heard learned counsel for the Petitioner and learned counsel for the State.
2. The Petitioner is an accused in T.R. Case No.226 of 2022 pending on the file of learned Sessions Judge, Khurda at Bhubaneswar, arising out of Bhubaneswar P.S. Case No.106 of 2022, for commission of offence under Sections 20(b)(ii)(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 Sessions Judge, (K), Bhubaneswar by order dated 17.06.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted by the learned counsel, on instruction, that the charge sheet has been filed on 11.12.2022. A memo filed to that effect is taken on record.

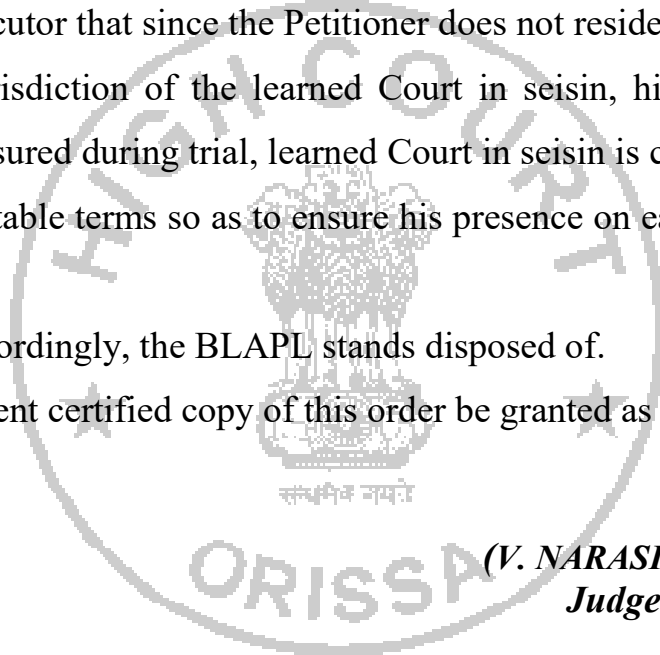
5. Learned counsel for the State opposes the prayer for bail, inter alia, on the ground that since the Petitioner does not reside within the territorial jurisdiction of the learned Court in seisin, it would be difficult to ensure his presence during trial.

6. Considering the allegation that the contraband (ganja) was seized from the public place and the quantity being 20 Kg. 100 grams, this Court directs the Petitioner to be released on bail on such terms to be fixed by the learned court in seisin over the matter.

7. To allay the legitimate concern expressed by the learned Public Prosecutor that since the Petitioner does not reside within the territorial jurisdiction of the learned Court in seisin, his presence cannot be ensured during trial, learned Court in seisin is called upon to fix the suitable terms so as to ensure his presence on each date of trial.

8. Accordingly, the BLAPL stands disposed of.

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



PKS