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IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8681 of 2022

Zameer Paik

....

Petitioner

Mr. S.K. Nayak, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
22.12.2022

Order No.

02.

1. Heard learned counsel for the Petitioner and learned counsel for the State.
2. The Petitioner is an accused in 2(a)CC No.70 of 2022 (N), pending on the file of learned Sessions Judge-cum-Special Judge, Ganjam, Berhampur, arising out of P.R No.352 of 2022-23 for commission of the offence under Section 21(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 Special Judge, Berhampur by order dated 19.07.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted by the learned counsel that the Petitioner is in custody since 06.07.2022 and final P.R has been submitted on 10.10.2022 on the accusation of Petitioner possessing the contraband (ganja) to the tune of 25 Kg.
5. It is further submitted that the Petitioner is the first offender. Hence, considering his age, a liberal view may be taken.

6. Learned counsel for the State opposes the prayer for bail, inter alia, relying on the bar contained in Section 37 of the N.D.P.S. Act.

7. Considering the age of the Petitioner, bleak chance of early trial and as he is the first offender as stated, 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.

8. Before releasing the Petitioner on bail, learned Court in seisin shall find out whether the Petitioner has any criminal antecedent of similar nature. If it comes to the fore that the Petitioner any such criminal antecedent, this order shall stand recalled.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

PKS