

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8697 of 2022

Nanda Kishore Behera

....

Petitioner

Mr. R.N. Panda, Advocate

-versus-

State of Orissa

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
22.09.2022

Order No.

01.

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 an accused in P.R. No.89 of 2022 corresponding to 2(a) C.C. Case No.56 of 2022, pending in the Court of learned District & Sessions Judge, Cuttack, for offences under Section 20(b)(ii)(C) of NDPS Act.
4. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned Sessions Judge-cum-Special Judge, Cuttack, by order dated 05.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. Perused the order of rejection.
6. It is submitted by the learned counsel for the petitioner that the contraband seized is to the tune of 20Kgs and from the manner of seizure wrong weightment so as to attract the Bar under Section 37 of the NDPS Act cannot be ruled out and since the petitioner is

in custody since 13.08.2022 and as he is the first offender, learned counsel for the petitioner seeks release.

7. Learned counsel for the State opposes the prayer, relying on the order of rejection and Form C-2 under the Excise Act and states that the submission relating to wrong weighment is far fledged and the Bar under Section 37 of NDPS Act is attracted.

8. Taking note of the manner in which the seizure has been made and the quantity (20Kgs), 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.

9. While releasing the petitioner on bail, the learned Court below shall verify that the petitioner has no criminal antecedents. If it comes to the fore that the petitioner has any criminal antecedent this order shall stand recalled without any further reference to this Court.

10. Additionally it is directed that the petitioners shall appear before the Enquiry Officer once every week till the submission of final P.R.

11. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha