

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8874 of 2022

Suraj Prakash

....

Petitioner

Mr. M. Kanungo, Sr. Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
23.12.2022

Order No.

02.

1. Heard Mr. Kanungo, learned senior counsel for the petitioner and Mr. P.K. Maharaj, learned Additional Standing Counsel for the State
2. The petitioner is an accused in G.R. Case No.26 of 2022(N), pending in the Court of the learned Sessions Judge-cum-Special Judge, Ganjam, Berhampur, arising out of Golanthara P.S. Case No.108 of 2022, for commission of alleged offences under Sections 20(b)(ii)(C) of the NDPS Act.
3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge-cum-Special Judge, Ganjam, Berhampur by order dated 07.07.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is stated on record that charge sheet has been filed on 20.09.2022 and the consideration by the learned Court in seisin was prior to the charge sheet on 07.07.2022. Hence this Court **is not inclined** to entertain this bail application at this stage without

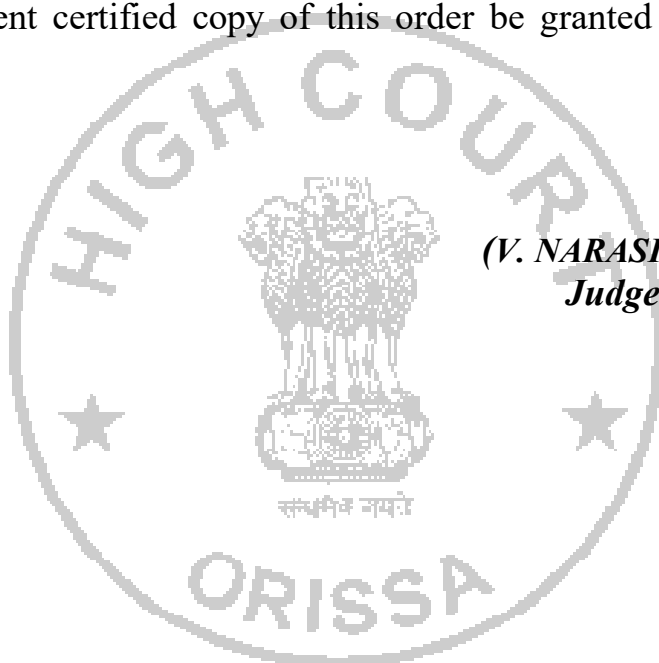
having the benefit of assessment of materials on record by the learned Court in seisin, taking into account that the contraband is to the tune of 300.7 kilograms.

5. It shall be open to the petitioner to move an application afresh and urge all grounds including violation of mandatory statutory provisions before the learned Court in seisin which shall be considered on its own merits without being influenced by the earlier rejection or the order passed by this Court.

6. Accordingly, the BLAPL stands disposed of.

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

Santoshi



(V. NARASINGH)
Judge