

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9439 of 2022

Shyam Khara

....

Petitioner

(None)

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

13.10.2022

Order No.

01.

1. This matter is taken up through hybrid mode.
2. None appears for the Petitioner at the second call.
3. Heard learned counsel for the State.
4. The Petitioner is an accused in Special G.R. Case No.106 of 2022 pending in the file of learned Sessions Judge-cum-Special Judge, Malkangiri, arising out of Chitrokonda P.S Case No.80 of 2022, for commission of offence under Section 20(b)(ii)(C) of the N.D.P.S. Act and is in custody since 04.07.2022.
5. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Special Judge, Malkangiri by order dated 05.07.2022 in the aforementioned case, the present BLAPL has been filed.
6. On perusal of the FIR it is seen that the date of occurrence is 4.7.2022 and the order of rejection is 5.7.2022.

7. Since the consideration by the learned Court in seisin over the matter was before filing of the charge sheet, this Court is not inclined to entertain this bail application at this stage. It shall be open to the Petitioner to make an application for bail before the learned Court in seisin over the matter afresh after submission of final form, which shall be considered on its own merit without being influenced by the earlier rejection or the order passed by this Court.

8. With the aforesaid order, this BLAPL stands disposed of.

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

PKS

