

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9506 of 2022

Mannsingh Rathor and another Petitioners

Mr. B.K. Ragada, Advocate

-versus-

State of Odisha Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

22.11.2022

Order No.

02.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioners and learned counsel for the State.
3. The petitioners are accused in T.R. Case No.56 of 2022, pending in the file of learned Sessions Judge-cum-Judge (Special Court), Sambalpur, arising out of P.R. Case No.93 of 2022-23, for commission of alleged offences under Sections 20(b)(ii)(B) of NDPS Act and is in custody since 30.08.2022.
4. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned Sessions Judge-cum-Judge (Special Court) Sambalpur by order dated 21.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. Perused the order of rejection.
6. Since the seizure of the contraband (ganja) to the tune of 12 Kgs is admittedly less than the commercial quantity as prescribed and charge sheet is stated to have been filed on 28.10.2022, this Court directs the petitioners to be released on bail on such terms to be fixed by the Court in seisin over the matter.

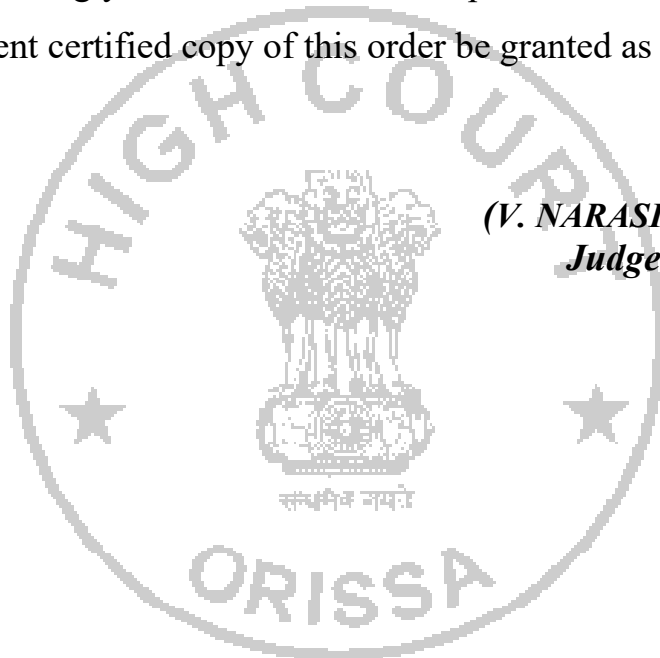
7. Taking into account that they do not reside within the territorial jurisdiction of the Court in seisin, this Court directs the learned Court in seisin to fix the terms so as to ensure his presence on each date of trial.

8. While enlarging the petitioners on bail the learned court below shall verify assertion regarding criminal antecedent of the petitioners of similar nature. If it comes to the fore that the petitioners have any such criminal antecedents, this order shall stand recalled without any further reference to this Court.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge



Santoshi