

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9570 of 2022

Jaspal Singh & Another

....

Petitioners

Mr. C.R. Dash, Advocate

-versus-

N.C.B.

....

Opposite Party

Mr. P. Nayak, Sr. Panel Counsel

CORAM: JUSTICE V. NARASINGH

ORDER
19.10.2022

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard Mr. C.R. Dash, learned counsel for the petitioners and Mr. P. Nayak, Sr. Panel Counsel for the N.C.B.
3. The petitioners are accused in connection with T.R. Case No.175 of 2022, pending before the learned Court of Sessions Judge, Khurda, Bhubaneswar-cum-Special Judge, arising out of NCB Case No.02/NCB/BBSR/2022, for commission of offences under Sections 20(b)(ii)(C)/25/28/29 of the N.D.P.S. Act.
4. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned Sessions Judge, Khurda at Bhubaneswar, by order dated 17.08.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioners that on the basis of materials on record the allegation on the face is highly improbable. Hence, submits that even when the investigation is going on, the bail application may be considered.

6. Mr. P. Nayak, Sr. Panel Counsel for the N.C.B opposes the prayer for bail.

7. This Court perused the materials on record. It has come to the fore that the alleged offence was detected on 6th May and the petitioner No.1 is the driver on the vehicle and the petitioner No.2 is the occupant and the consideration by the learned Court in seisin over the matter was on 17.08.2022, when admittedly the investigation is at a nascent stage.

8. Keeping in view the prescription under Section 37 of the N.D.P.S. Act, this Court is **not inclined** to entertain the bail application during the currency of the investigation, more so when the petitioners are outsiders.

9. It shall be open to the petitioners to renew their prayer before the learned Court in seisin over the matter and the same shall be considered on its own merits without being influenced by the earlier order or orders passed by this Court.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha