

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9574 of 2022

Imran Khan and another ***Petitioners***

Mr. S. Dwibedi, 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 C.T. Case No.58 of 2022, pending in the file of learned Special Judge-cum-Additional Sessions Judge, Balliguda, arising out of Balliguda P.S. Case No.205 of 2022, for commission of alleged offences under Sections 21(b) of the NDPS Act and is in custody since 16.09.2022.
4. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned Special Judge-cum-Additional District and Sessions Judge, Balliguda by order dated 23.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. Perused the order of rejection.
6. Since the seizure of the contraband (Brown Sugar) to the tune of 5.5 gms is admittedly less than the commercial quantity as prescribed, 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. While enlarging the petitioners on bail the learned court below shall verify assertion regarding criminal antecedents of the petitioners of similar nature. If it comes to the fore that the petitioners have any such criminal antecedent, this order shall stand recalled without any further reference to this Court.
8. Accordingly, the BLAPL stands disposed of.
9. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge

Santoshi

