

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9753 of 2022

Santosh Kanhar & Another

Petitioners

Mr. N.P. Parija, Advocate

-versus-

State of Odisha

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
26.10.2022

Order No.

01.

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 an accused in connection with C.T. Case No.28 of 2022, pending in the Court of learned Sessions Judge-cum-Special Judge, Phulbani, arising out of Phiringia P.S. Case No.91 dated 11.06.2022, for alleged commission of offences under Sections 20(b)(ii)(C)/25/29 of 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 Special Judge, Phulbani, by order dated 20.06.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioners with vehemence that the petitioners are innocent passengers and in fact the victim of circumstances and it is stated that the driver who had knowledge about the contraband being carried in the bus, fled away from the spot and it is further submitted that the petitioners

are in custody since 11.06.2022, hence their further incarceration in custody is unwarranted notwithstanding the ongoing investigation.

6. Learned counsel for the State on the basis of rejection order opposes the prayer for bail.

7. Taking into account that the contraband seized is 1 quintal 20 Kg 600gm, this Court is **not inclined** to entertain the bail application at this stage during the currency of the investigation.

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

9. Accordingly, the BLAPL stands disposed of.

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

Ayesha

(V. NARASINGH)
Judge

