

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9778 of 2022

Rajesh Nayak @ Naik

....

Petitioner

Mr. B.B. Routray, 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 Petitioner and learned counsel for the State.
3. The Petitioner is an accused in Special G.R Case No.19 of 2022 pending in the file of learned Addl. Sessions Judge-cum-Special Judge, Rourkela, arising out of Plant Site P.S Case No.119 of 2022, for commission of the alleged offence under Sections 20(b)(ii)(C)/25/29 of the N.D.P.S. Act and is in custody since 22.09.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned 1st Addl. Sessions Judge-cum-Special Judge, Rourkela by order dated 28.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. Perused the order of rejection.

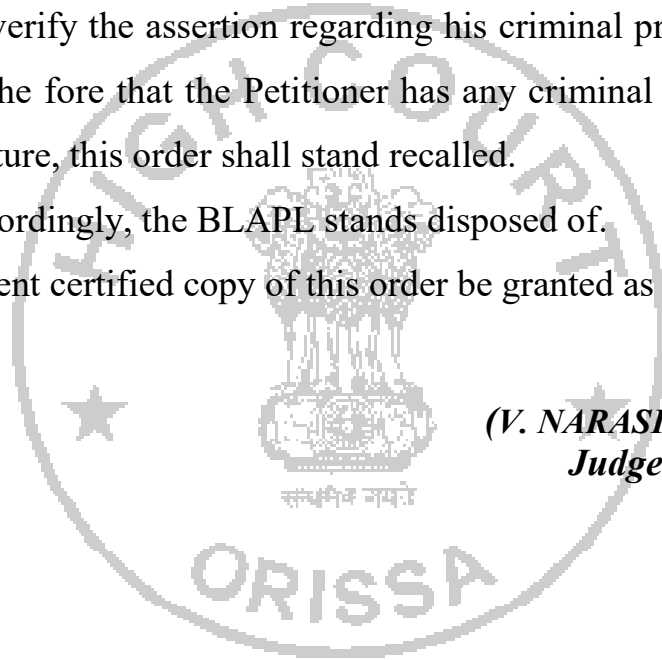
6. Taking into account the release of the co-accused by order dated 19.05.2022 in BLAPL No.4005 of 2022 and the quantity of contraband Ganja being 20 Kg. 910 gms. and keeping in view the submission of the learned counsel for the Petitioner that wrong weighment of the contraband Ganja cannot be ruled out so as to attract the rigor of Section 37 of the NDPS Act, this Court directs the Petitioner to be released on bail on such terms to be fixed by the learned court in seisin over the matter.

7. While enlarging the Petitioner on bail the learned court below shall verify the assertion regarding his criminal proclivity. If it comes to the fore that the Petitioner has any criminal antecedent of similar nature, this order shall stand recalled.

8. Accordingly, the BLAPL stands disposed of.

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

PKS



(V. NARASINGH)
Judge