

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9786 of 2022

Biseswar Rana & another

Petitioners

Mr. Suryakanta Dwibedi, 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 accused in Special Case No.34 of 2022, pending in the file of learned Addl. Sessions Judge-cum-Special Judge, Kantamal, arising out of Kantamal P.S. Case No.136 of 2022, for commission of the alleged offence under Section 20(b)(ii)(B)/29 of NDPS Act and are in custody since 23.09.2022.
4. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned Addl. Sessions Judge-cum-Special Judge, Kantamal by order dated 26.09.2022 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 10 Kgs. 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, learned court below shall verify assertion regarding their criminal proclivity. If it comes to the fore that the Petitioners have any criminal antecedent, this order shall stand recalled.
8. Accordingly, the BLAPL stands disposed of.
9. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge

PKS

