

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9792 of 2022

Sarbeswar Behera @ Bapi

Petitioner

Mr. P.K. Khatei, Advocate

-versus-

State of Odisha

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

28.11.2022

Order No.

02.

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 T.R Case No.87 of 2022, pending on the file of learned 1st Additional Sessions Judge cum Special Judge under the NDPS Act, Khorda, arising out of Khordha Model P.S. Case No.457 of 2022, for commission of alleged offences under Section 21(b)/29 of NDPS Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned 1st Additional Sessions Judge-cum-Spl. Judge under NDPS Act by order dated 26.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. Since the consideration by the learned Court in seisin over the matter was during the course of investigation, this Court is **not inclined** to entertain this bail application at this stage.

6. It shall be open to the petitioner to move the learned Court in seisin over the matter after filing of charge sheet and same shall be considered on its own merits without being influenced by the earlier rejection or the order passed by this Court.
7. Accordingly, the BLAPL stands disposed of.
8. Urgent certified copy of this order be granted as per the rules.

(V. NARASINGH)
Judge

Santoshi

