

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9813 of 2022

Pratap Nayak & another

....

Petitioners

Mr. S.K. Sarangi, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. S. Patra, 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 T.R No.370 of 2022, pending in the file of learned District and Sessions Judge, Khurda at Bhubaneswar, arising out of Chandaka P.S. Case No.214 of 2022, for commission of the alleged offence under Section 20(b)(ii)(B) of NDPS Act and are in custody since 15.09.2022.
4. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned Sessions Judge, Khurda at Bhubaneswar by order dated 19.09.2022 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 4 Kg. 823 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, 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

