

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9993 of 2022

Niranjan Mallik

....

Petitioner

Mr. S.R. Mohapatra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
02.11.2022

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 Spl. G.R. (NDPS) Case No.50 of 2022, pending in the file of learned Additional Sessions Judge-cum-Special Judge, Jajpur Road, arising out of Jajpur Road P.S. Case No.425 of 2022, for alleged commission of offence under Sections 20(b)(ii)(B) of the NDPS Act and is in custody since 17.08.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge-cum-Special Judge, Jajpur Road by order dated 27.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. This is the second journey of the petitioner to this Court.

6. Earlier this Court had directed release of the petitioner and another co-accused by order dated 19.09.2022 in BLAPL No.8481 of 2022 subject to verification of the antecedents.

7. Since the petitioner has an antecedent under Excise Act, the learned Court has rejected his bail application. Hence, the present bail application.

8. Since the seizure of the contraband (ganja) to the tune of 16 kgs 200 gms is admittedly less than the commercial quantity as prescribed, 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 so as to ensure his presence on each date of trial, keeping in view the criminal antecedent of the petitioner.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi