

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10040 of 2022

Dhanesh Sisa @ Shisha

....

Petitioner

Mr. P.K. Nanda, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

31.10.2022

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 T.R. Case No.34 of 2022, pending in the file of learned Additional Sessions Judge-cum-Special Judge, Koraput, arising out of Sunabeda P.S. Case No.41 of 2022, for alleged commission of offence under Sections 20(b)(ii)(C) of NDPS Act and is in custody since 13.03.2022.
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, Koraput by order dated 15.07.2022 in the aforementioned case, the present BLAPL has been filed.
5. On perusal of the order of rejection, it is seen that the consideration by the learned Court in seisin over the matter was during the currency of investigation.

6. Taking into account the quantity of contraband seized being more than the commercial quantity as stipulated; this Court is **not inclined** to entertain this bail application at this stage.
7. 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.
8. Accordingly, the BLAPL stands disposed of.
9. Urgent certified copy of this order be granted as per rules.

Santoshi

