IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10196 of 2022

Dinesh Das Chettiar and another .... ***Petitioners***

Mr. S.K. Sahu, Advocate

-versus-

State of Odisha .... ***Opposite Party***

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
07.12.2022

Order No.

02. 1. Heard learned counsel for the petitioners and learned counsel for the State.

2. The petitioners are accused in T.R. Case No.45 of 2022, pending in the file of learned Sessions Judge-cum-Judge (Special Court) Sambalpur, arising out of P.R. Case No.31 of 2022-23, for commission of alleged offences under Sections 20(b)(ii)(B) of the NDPS Act and is in custody since 03.08.2022.

3. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned Sessions Judge-cum-Judge (Special Court), Sambalpur by order dated 20.09.2022 in the aforementioned case, the present BLAPL has been filed.

4. It is submitted by the learned counsel for the petitioners that petitioners are in custody since 03.08.2022 and final P.R. has been submitted on 27.10.2022 and the contraband (ganja) seized being to the tune of 18kgs which is admittedly less than commercial

quantity, further continuance of the petitioners in custody is not warranted.

6. Learned counsel for the State opposes the prayer for bail.

7. Taking into account the contraband seized being less than commercial quantity and considering the period of custody, this Court directs the petitioners to be released on bail on such terms to be fixed by the learned Court in seisin over the matter.

8. Additionally, it is directed that immediate member of the family of the petitioners shall execute a personal bond to the satisfaction of the learned Court in seisin before the release of the petitioners.

9. While enlarging the petitioners on bail the learned court below shall verify assertion regarding their criminal proclivity. If it comes to the fore that the petitioners have any criminal antecedent of similar nature, this order shall stand recalled without any further reference to this Court.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi