

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10538 of 2022

Sher Singh

....

Petitioner

Mr. A.K. Jena, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

17.11.2022

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 Special G.R. Case No.135 of 2022 pending on the file of learned Sessions Judge-cum-Special Judge, Malkanagiri, arising out of Malkangiri P.S. Case No.512 of 2022 for commission of the offence under Sections 20(b)(ii)(C)/25/29 of the NDPS Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge-cum-Special Judge, Malkanagiri by order dated 18.10.2022 in the aforementioned case, the present BLAPL has been filed.
5. Taking into account the contraband (ganja) seized to the tune of 180 Kg. 400 grams and the Petitioner does not reside within the territorial jurisdiction of the learned Court in seisin and

consideration was during the currency of the investigation, learned Court in seisin was not inclined to entertain the prayer of the Petitioner for interim release, this Court is **not inclined** to release the Petitioner on bail at this stage.

6. It shall be open to the Petitioner to move the learned Court in seisin afresh for release on interim bail post filing of the charge sheet on account of the death of the father of the Petitioner, which shall be considered on its own merit without being influenced by the earlier rejection or the order passed by this Court.

7. Accordingly, the BLAPL stands rejected.

(V. NARASINGH)
Judge

PKS

