

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10612 of 2022

MD. Irshad & Another

....

Petitioners

Mr. R.K. Pattanaik, Advocate

-versus-

State of Orissa

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

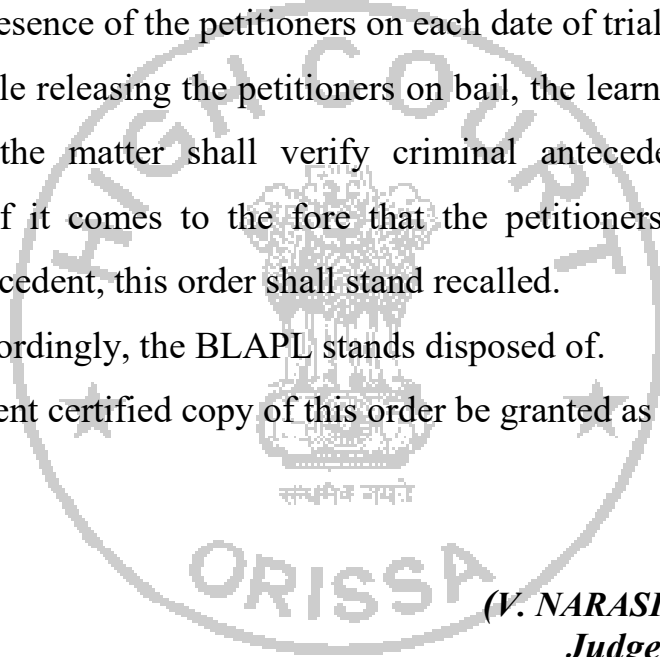
ORDER
21.11.2022

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 connection with Spl. G.R. Case No.113 of 2022, pending in the Court of the learned Sessions Judge-cum-Special Judge, Sundargarh, arising out of Sundargarh Town P.S. Case No.224 of 2022, for alleged commission of offences under Sections 21(b)/25/29/27(A) of the N.D.P.S. Act.
4. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned Sessions Judge-cum-Special Judge, Sundargarh, by order dated 16.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. Perused the order of rejection.
6. It is submitted by the learned counsel for the petitioners that the net weight of the brown sugar is 39.500gms.

7. It is submitted that since charge-sheet has already been filed on 07.08.2022, further continuance of the petitioners in custody is unwarranted since the petitioners are the first offenders.
8. Learned counsel for the State relying on the order of the rejection, opposes the prayer for bail.
9. Considering the submission of the charge-sheet and the quantity of contraband and the period of custody from 10.06.2022, this Court directs the petitioners to be released on bail. Learned Court in seisin over the matter shall fix suitable terms so as to ensure the presence of the petitioners on each date of trial.
10. While releasing the petitioners on bail, the learned court in seisin over the matter shall verify criminal antecedent of the petitioners. If it comes to the fore that the petitioners have any criminal antecedent, this order shall stand recalled.
11. Accordingly, the BLAPL stands disposed of.
12. Urgent certified copy of this order be granted as per rule.



(V. NARASINGH)
Judge

Ayesha