

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10701 of 2022

Dusasan Parida

....

Petitioner

Mr. S.R. Mohapatra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

23.11.2022

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 2(a)C.C Case No.78 of 2022, pending in the file of learned Sessions Judge-cum-Special Judge, Cuttack, arising out of Choudwar Excise Station, Cuttack P.R. Case No.140 of 2022-23, offence under Sections 20(b)(ii)(B) of the NDPS Act and is in custody since 30.09.2022.
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, Cuttack by order dated 19.10.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that the quantity of contraband (ganja) seized is to the tune of 13 kgs which is admittedly less than commercial quantity. Hence, it is prayed that he may be released on bail.
6. Learned counsel for the State opposes the prayer for bail inter alia on the ground that the final P.R. is yet to be submitted.

Hence, at this stage it cannot be ascertained that in fact the quantity of contraband is less than commercial quantity.

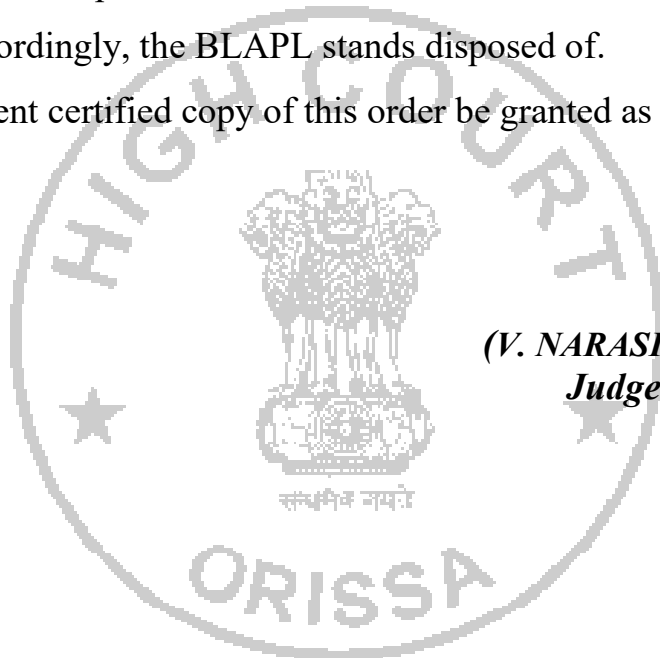
7. Taking into account the age of the petitioner and prima facie the contraband being less than commercial quantity, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin over the matter.

8. Additionally, it is directed that the petitioner shall appear before the I.O. once every 15 days till submission of final form on such date and time fixed by the learned Court in seisin keeping in view the age 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