

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10746 of 2022

***Ashit Sarkar @ Asit Sarkar and
another***

Petitioners

Mr. M.K. Mohapatro, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

**ORDER
24.11.2022**

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 Spl. G.R. Case No.153 of 2022, pending in the file of learned Sessions Judge-cum-Special Judge, Malkangiri, arising out of Orkel P.S. Case No.215 of 2022, for commission of alleged offences under Sections 20(b)(ii)(B) of the NDPS 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, Malkangiri by order dated 21.10.2022 in the aforementioned case, the present BLAPL has been filed.
5. Perused the order of rejection.
6. Since the seizure of the contraband (ganja) to the tune of 9 kgs 400 gms is admittedly less than the commercial quantity as

prescribed and petitioners are in custody since 11.10.2022, 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.

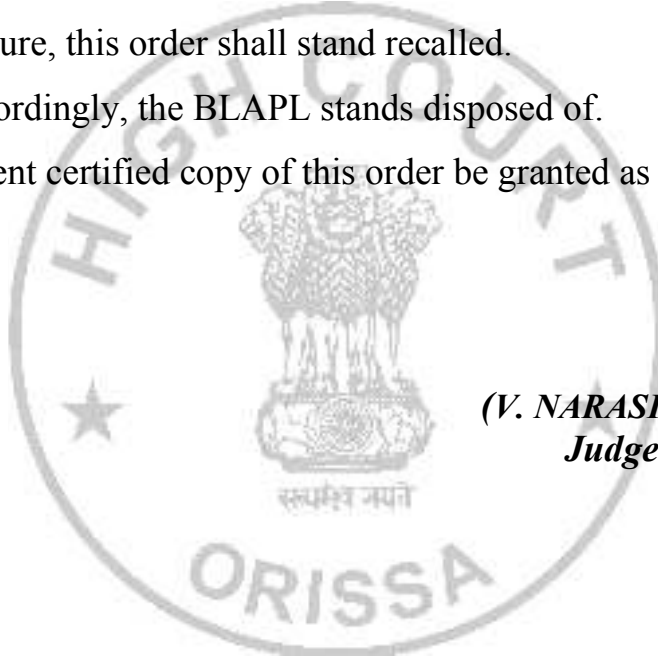
7. Additionally, it is directed that the petitioners shall appear before the I.O. once every week on such date and time to be fixed by the learned Court in seisin till submission of final form.

8. While enlarging the petitioners on bail, the learned court below shall verify assertion regarding criminal proclivity. If it comes to the fore that the petitioners have any criminal antecedents of similar nature, this order shall stand recalled.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge



Santoshi