

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10839 of 2022

Jagannath Sisa

....

Petitioner

Ms. A. Mohanty, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

28.11.2022

Order No.

01.

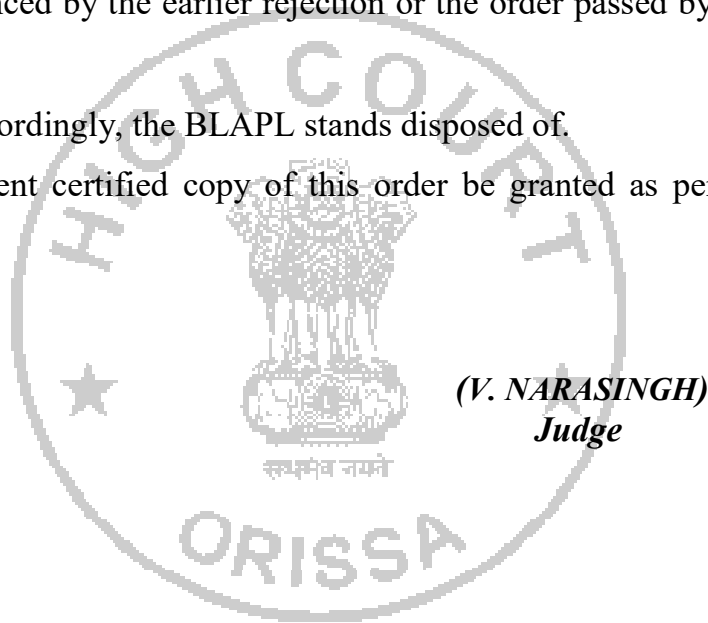
1. This matter is taken up through hybrid mode.
2. Heard Ms. A. Mohanty, learned counsel for the petitioner and learned counsel for the State.
3. The petitioner is an accused in Special G.R. Case No.121 of 2022, pending on the file of learned Sessions Judge-cum-Special Judge, Malkangiri, arising out of Kalimela P.S. Case No.207 of 2022, for commission of alleged offences under Section 20(b)(ii)(C)/27-a/29 of the NDPS Act and is in custody since 14.08.2022.
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, Malkangiri by order dated 11.10.2022 in the aforementioned case, the present BLAPL has been filed.
5. Since the consideration by the learned Court in seisin was during the currency of investigation, this Court is **not inclined** to

entertain this bail application at this Stage. Liberty is granted to the petitioner to renew his prayer before the learned Court in seisin post charge sheet.

6. While moving such bail application, it shall be open to the petitioner to bring to the notice of the learned Court in seisin that individual seizure has been clubbed together so as to attract the bar under Section 37 of the NDPS Act. If such a ground is taken, learned Court in seisin shall deal with it independently without being influenced by the earlier rejection or the order passed by this Court.

7. Accordingly, the BLAPL stands disposed of.

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



Santoshi