

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10861 of 2022

Jhuma Nayak & Another

....

Petitioners

Mr. P.K. Khatei, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
29.11.2022

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 T.R. Case No.421 of 2022, pending before the learned District & Sessions Judge, Khordha, at-Bhubaneswar, arising out of Baliana P.S. Case No.354 of 2022, for alleged commission of offences under Section 21(C) of NDPS Act.
4. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned Sessions Judge, Khurda, BBSR, by order dated 21.10.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioners that the petitioners have neither named in the FIR nor any seizure

have been affected from and they are in custody since 18.10.2022, hence further continuance of the petitioners in custody is punitive.

6. Perused the order of rejection.

7. The submissions made by the learned counsel for the petitioners regarding false implication can only be gone into, after the conclusion of the investigation. Since the consideration by the learned Court in seisin was during the currency of the investigation, this Court is **not inclined** to consider the bail application of the petitioners at this stage.

8. It shall be open to the petitioners to move the bail application before the learned Court afresh post submission of final form, raising all grounds including false complicity, which shall be taken into account on its own merits without being influenced by the earlier rejection or order passed by this Court.

9. Accordingly, the BLAPL stands disposed of.

(V. NARASINGH)
Judge

Ayesha