

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No. 10910 of 2022**

***Prasanta Mishra***

....

***Petitioner***

Mr. C.R. Dash, Advocate

*-versus-*

***State of Odisha***

....

***Opposite Party***

Mr. P.K. Maharaj, ASC

**CORAM: JUSTICE V. NARASINGH**

**ORDER**  
**30.11.2022**

**Order No.**

**01.**

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. The petitioner is an accused in T.R. Case No.346 of 2022, pending in the file of learned Sessions Judge, Khurda at Bhubaneswar, arising out of Khandagiri P.S. Case No.458 of 2022, for commission of alleged offences under Sections 20(b)(ii)(C)/29 of the NDPS Act read with Section 25 of Arms Act.
3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned District and Sessions Judge, Khurda, At-Bhubaneswar by order dated 26.10.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted by the learned counsel for the petitioner that he is a service Centre owner and has been falsely implicated.
5. It is seen that the consideration by the learned Court in seisin was during the currency of investigation and the contraband

seized being to the tune of 100kg, it is not possible on the part of this Court come to a conclusion regarding the complicity of the petitioner at this stage. Hence this Court is **not inclined** to entertain this bail application at this stage.

6. It shall be open to the petitioner to move before the learned Court in seisin over the matter after conclusion of investigation, which shall be considered on its own merit without being influenced by the earlier rejection or the order passed by this Court.

7. Accordingly, the BLAPL stands disposed of.

(V. NARASINGH)  
*Judge*



*Santoshi*