

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 11631 of 2022

Nilakantha Behera* *Petitioner

Mr. A.K. Swain, Advocate

-versus-

State of Odisha* *Opp. Party

*Mr. Arupananda Das,
Addl. Govt. Advocate*

CORAM:

JUSTICE S.K. SAHOO

Order No.

ORDER

20.12.2022

01. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard learned counsel for the petitioner and learned counsel for the State.

This is an application for bail under section 439 of Cr.P.C. in connection with P.R. Case No.106 of 2022-23 of Bhubaneswar-III Excise Station corresponding to T.R. No.480 of 2022 pending in the Court of learned Sessions Judge, Khurda at Bhubaneswar for alleged commission of offence under section 20(b)(ii)(B) of the N.D.P.S. Act.

The prayer for bail of the petitioner has been rejected by the learned Sessions Judge, Khurda by order dated 04.11.2022.

Considering the submission made by the learned counsel for the petitioner that the petitioner is in judicial custody since 31.10.2022, the quantity of ganja stated to have been seized from the possession of the petitioner being 18 Kgs. which is lesser than the commercial quantity and therefore, the bar under section 37 of the N.D.P.S. Act is not attracted and that investigation has made substantial progress and on hearing the learned counsel for the State, I am inclined to release the petitioner on bail.

Let the petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.50,000.00 (rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter with further terms and conditions as the learned Court may deem just and proper including the condition that he shall appear before the learned trial Court on each date to which the case would be posted for trial and shall not indulge in any criminal activities. Violation of any of the conditions shall entail cancellation of bail.

The BLAPL is accordingly disposed of.

Urgent certified copy of this order be granted on proper application.

(S.K. Sahoo)
Judge

