

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11783 of 2022

Shiva Devender

....

Petitioner

Mr. A. Das, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. P.K. Mohanty,

Addl. Standing Counsel

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
20.12.2022**

Order No.

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 under section 439 of Cr.P.C. in connection with Jharsuguda Excise P.R. No.46 of 2022-23 corresponding to 2(a) C.C. Case No.28 of 2022 pending in the Court of learned Sessions Judge -cum- Special Judge, Jharsuguda for alleged commission of offence under section 20(b)(ii)(B) of the N.D.P.S. Act.

The petitioner moved an application for bail before the Court of learned Special Judge, Jharsuguda, which was rejected on 11.10.2022.

Considering the submission made by the learned counsel for the petitioner that the petitioner is in judicial custody since 07.09.2022 and the quantity of ganja stated to have been seized from the possession of the petitioner is lesser than the commercial quantity and therefore, the bar under section 37 of the N.D.P.S. Act is not applicable 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 a bail bond of Rs.50,000/- (rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned Court in seisin over the matter with further conditions as the learned court may deem just and proper.

The BLAPL is accordingly disposed of.

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

(S.K. Sahoo)
Judge

RKM