

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11800 of 2022

1. Jagat Ram Nayak
2. Set Ram Sandel
3. Suphal Ram Nayak **Petitioners**

Mr. S.K. Dwibedi, 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 petitioners and learned counsel for the State.

This is an application under section 439 of Cr.P.C. in connection with Kantamal P.S. Case No.160 of 2022 corresponding to Special (NDPS) Case No.38 of 2022 pending in the Court of learned Additional Sessions Judge -cum- Special Judge, Kantamal for alleged commission of offences under sections 20(b)(ii)(B)/29 of the N.D.P.S. Act.

The petitioners moved an application for bail before the Court of learned Additional Sessions Judge

-cum- Special Judge, Kantamal, which was rejected on 24.10.2022.

Considering the submission made by the learned counsel for the petitioners that the petitioners are in judicial custody since 23.10.2022 and the quantity of ganja stated to have been seized from the possession of the petitioners 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 petitioners on bail.

Let the petitioners be released on bail in the aforesaid case on furnishing a bail bond of Rs.50,000/- (rupees fifty thousand) each 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