

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 11835 of 2022

Malaya Digal

....

Petitioner

Mr. M. Das, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. Arupananda Das,
Addl. Government 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. No.105 of 2022-23 of O.I.C. of Excise, Balliguda corresponding to 2(a) C.C. No.30 of 2022 pending in the Court of learned Special Judge -cum- Addl. Sessions Judge, Balliguda 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 Special Judge -cum- Addl. Sessions Judge, Balliguda by order dated 21.11.2022.

Considering the submission made by the

learned counsel for the petitioner that the petitioner is in judicial custody since 19.11.2022, the quantity of ganja stated to have been seized from the possession of the petitioner being 7 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 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