

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.12017 of 2022

Maksed Sekh

.... ***Petitioner***
Mr. S.K. Parida, Advocate

-versus-

State of Orissa

.... ***Opp. Party***
Mr. M. Mishra, ASC

CORAM:
JUSTICE G. SATAPATHY

ORDER
20.12.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. This is an application U/S. 439 of Cr.P.C. by the petitioner for grant of bail in connection with G.R. (Special) Case No.30 of 2022 arising out of Lalbag P.S. Case No.235 of 2022 pending in the file of learned Sessions Judge-cum-Special Judge, Cuttack for commission of offences punishable under Sections 20(b)(ii)(B) of N.D.P.S. Act, on the allegation of possessing 9Kgs. of contraband Ganja along with other two co-accused person.
3. In the course of hearing of the bail application, Mr. S.K. Parida, learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case, but nothing was recovered from the possession of the petitioner and even if the allegations on record are taken into consideration, the petitioner allegedly being

found in possession of 3.5Kgs of contraband Ganja, which is an intermediate quantity, there would be no Bar for release of the petitioner on bail and, thereby, the petitioner may kindly be granted bail.

4. On the contrary, Mr. M. Mishra, learned ASC vehemently opposes the bail application of the petitioner, but on query made by this Court, he clearly conceded that no criminal antecedent has been reported against the petitioner.

5. Considering the rival submissions made, taking into consideration the nature and gravity of the accusations raised against the petitioner and keeping in view the other circumstance on record in entirety and the alleged seizure of Ganja having not coming under commercial quantity and taking into consideration the pre trial detention of the petitioner and regard being had to the non reporting of any criminal antecedent against the petitioner, this Court admits the petitioner to bail.

6. Hence, the prayer for the bail of the petitioner stands allowed and the petitioner is allowed to go on bail on furnishing bail bonds of Rs.50,000/- (Rupees Fifty Thousand) with two solvent sureties each for the like amount to the satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper with further conditions that the petitioner shall attend the trial Court on each date of posting without fail unless her attendance is dispensed with and that she shall not leave the jurisdiction of the trial Court without prior permission till disposal of the case and that the petitioner shall report attendance before the Jurisdictional Police

Station once in a fortnight preferably on Sunday in between 12 Noon to 1 PM. for six months. The I.I.C. of Jurisdictional Police Station shall not detain the petitioner unnecessarily after recording his attendance beyond the time as stipulated.

It is clarified that the Court in seisin of the case will be at liberty to cancel the bail of the petitioner without further reference to this Court, if any of the above conditions are violated or a case for cancellation of bail is otherwise made out.

7. Accordingly, the BLAPL stands disposed of.
8. Issue urgent certified copy of the order as per Rules.

Subhasmita

