

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No. 12365 of 2022**

***Rohita Swain***

....

***Petitioner***

Mr. B. Mohanty, Advocate

*-versus-*

***State of Odisha***

....

***Opposite Party***

Mr. K.K. Gaya, ASC

**CORAM: JUSTICE V. NARASINGH**

**ORDER**

**21.12.2022**

**Order No.**

**01.**

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

2. The petitioner is an accused in connection with 2(a) CC Case No.76 of 2022(N), pending in the Court of the learned Sessions Judge-cum-Special Judge, Ganjam, Berhampur, arising out of P.R. No.376 of 2022-23 dated 14.07.2022 of Inspector of Excise EI & EB (SD), Unit-II, Berhampur, for alleged commission of offences under Section 20(b)(ii)(C) of NDPS Act.

3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Special Judge, Berhampur, by order dated 08.08.2022 in the aforementioned case, the present BLAPL has been filed.

4. Taking into account the nature of allegations and the role ascribed to the petitioner and since the consideration by the learned Court in seisin over the matter was during the course of

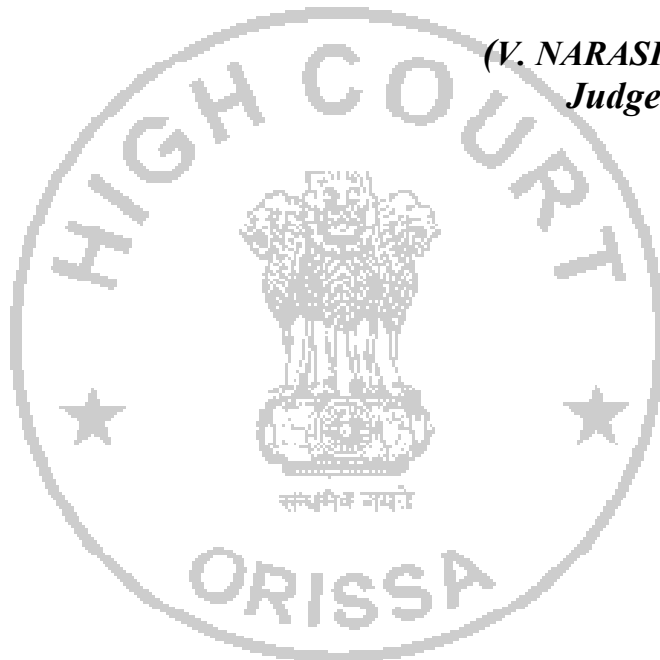
investigation, this Court is **not inclined** to consider this bail application at this stage.

5. The petitioner is at liberty to move the learned Court below after filing of charge sheet. The same shall be considered on its own merits without being influenced by the earlier rejection or the order passed by this Court.

6. Accordingly, the BLAPL stands disposed of.

7. Urgent certified copy of this order be granted as per rule.

*Ayesha*



**(V. NARASINGH)**  
**Judge**