

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.12556of2022

Sandheswar @ Sandayswar Meher

....
Petitioner
Mr. Surya Kanta Pradhan and
M/s.D.R. Nanda, Advocates

-Versus-

State of Orissa

....
Opposite Party
Mr. S.S. Mohapatra, ASC

CORAM:
MR. JUSTICE K. PATTANAIK

ORDER
22.12.2022

Order No.

01.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. This is an application under Section 439 Cr.P.C. filed by the petitioner for bail in connection with 2(a) CC No.84 of 2022 arising out of P.R. No.108 of 2022-23 (OIC Cuttack-1 Excise) pending in the court of learned Sessions Judge-cum-Special Judge, Cuttack on the grounds stated therein.
3. Perused the copy of the PR as at Annexure-1.
4. Learned counsel for the petitioner submits that 21 kgs of contraband Ganja has been seized from the petitioner and she fairly concedes that he has one more case of similar nature but since he is languishing in jail custody since 30th October, 2022 may be enlarged on bail with stringent conditions as would be fixed by the learned court below which is objected to by Mr. Mohapatra, learned

counsel for the State on the ground that recovery relates to a commercial quantity.

5. Court perused the P.R. under Annexure-1 which shows the recovery to have been made and no doubt it has been from the exclusive possession of the petitioner who is in custody since more than 2 months. The petitioner is claimed to be a local inhabitant of the area and in that case, there is a remote chance of his absconding from the limits of the court below. In the facts and circumstances of the case and that the alleged recovery is slightly more than the commercial quantity, the Court is of the view that petitioner should be enlarged on bail subject to conditions.

6. Accordingly, it is ordered.

7. In the result, BLAPL stands allowed.

8. Consequently, it is directed that the petitioner be released on bail in connection with 2(a)C.C. No.84 of 2022 arising out of P.R. No.108 of 2022-23 (OIC Cuttack-1 Excise) pending in the court of learned Sessions Judge-cum-Special Judge, Cuttack on furnishing a bail bond of Rs.30,000/- with one solvent surety for the like amount to the satisfaction of the learned court below which shall impose such other conditions as would be deemed just and proper in the facts and circumstances of the case besides a condition that he shall not involve himself in any such similar criminal activity while on bail.

9. The BLAPL is accordingly disposed of.

10. Issue urgent certified copy of this order as per rules.

(R.K. Pattanaik)
Judge