

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.12652 of 2022

Amaya Kumar Behera* *Petitioner

Ms.Lipsa Mohanty, Advocate

-versus-

State of Odisha* *Opp. Party

Mr.Arupananda Das
Addl. Government Advocate

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
23.12.2022**

Order No.

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 O.I.C. Hindol Excise Station P.R. No. 141 of 2022 corresponding to C.T. (Special) N.D.P.S. Case No. 21 of 2022 pending in the file of learned Judge, Special Court, Dhenkanal 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 was rejected by the learned Judge, Special Court, Dhenkanal vide order

dated 15.12.2022.

Considering the submission made by the learned counsel for the petitioner that the petitioner is in judicial custody since 08.12.2022 and the quantity of ganja stated to have been seized from the possession of the petitioner is 1.200 grams, which is lesser than the commercial quantity and therefore, the bar under section 37 of the N.D.P.S. Act is not applicable, the investigation of the case has made substantial progress 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 a bail bond of Rs.50,000/- (rupees fifty thousand) 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 below may deem just and proper including the conditions that the petitioner shall not indulged in any criminal activities and shall appear before the learned trial Court on each date to which the case would be posted for trial. Violation of any of the conditions shall entail cancellation of bail.

The BLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge

