

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.12691 of 2022

Ananda Mishra **Petitioner**

Mr. A. R. Panda, Advocate

-versus-

State of Odisha **Opp. Party**

*Mr. Saswat 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 under section 439 of Cr.P.C. in connection with Balasore-I Excise P.R. No.49 of 2022 corresponding to Special Case No.5/176 of 2022 pending in the Court of learned Sessions Judge -cum- Special Judge, Balasore for alleged commission of offence under section 20(b)(ii)(B) of the N.D.P.S. Act.

The petitioner moved an application for bail before the Court of learned Additional Sessions Judge -cum- Presiding Officer, Designated Court, OPID, Balasore, which was rejected on 16.12.2022.

Considering the submission made by the learned counsel for the petitioner that the petitioner is in judicial custody since 14.07.2022 and the quantity of ganja stated to have been seized from the possession of the petitioner is 16 kgs., which is lesser than the commercial quantity and therefore, the bar under section 37 of the N.D.P.S. Act is not applicable and on hearing the learned counsel for the State, who submitted that the petitioner is a man from West Bengal, 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 may deem just and proper. Learned trial Court shall verify whether the address furnished by the petitioner in the cause title is correct or not and allow the petitioner on bail subject to verification of the addresses and documents furnished by the local sureties through proper agency.

The BLAPL is accordingly disposed of.

Urgent certified copy of this order be granted on proper application.

(S.K. Sahoo)
Judge

RKM

