

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1442 of 2023

Suraj Singh & another

....

Petitioners

Mr. A. Das, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
19.04.2023

Order No.

03. 1. Heard learned counsel for the Petitioners and learned counsel for the State.
2. The Petitioners are accused in G.R. Case No.107 of 2022 pending on the file of learned Sessions Judge-cum-Special Judge, Parlakhemundi, arising out of Mohana P.S. Case No.209 of 2022 for commission of the offence under Sections 20(b)(ii)(C)/29 of the N.D.P.S Act.
3. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned Sessions Judge-cum-Special Judge, Gajapati by order dated 16.01.2023 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted by the learned counsel that the Petitioners are in custody since 02.12.2022 on the accusation of possessing contraband (ganja) to the tune of 20 Kg. 800 grams.

5. It is further submitted that since the investigation has progressed substantially, the Petitioners may be released on bail.

6. It is further submitted by the learned counsel that wrong weighment cannot be ruled out so as to attract the rigors of Section 37 of the N.D.P.S Act.

7. Learned counsel for the State opposes the prayer for bail during currency of investigation and in view of the bar contained in Section 37 of the N.D.P.S. Act.

8. Considering the substantial progress in investigation, this Court directs the Petitioners to be released on bail on such terms to be fixed by the learned Court in seisin.

9. Additionally, it is directed that the Petitioners shall appear before the jurisdictional police station once every month on such date and time to be fixed by the learned Court in seisin till submission of final form. Certification of such appearance shall be submitted to the Court in seisin.

10. To allay the legitimate apprehension of the learned Public Prosecutor regarding ensuring the presence of the Petitioners during trial since they do not belong to the State of Odisha, additionally it is directed that one of the family members of the Petitioners shall execute the P.R bond in addition to the sureties in terms of the order of the learned Court in seisin and their criminal antecedent i.e. Petitioner No.1 from P.S. Premnagar, District-Nangloi, North West-Delhi and Petitioner No.2 from P.S. Begumpur, Dist-Rohini, North West Delhi shall also be called for.

11. If it comes to fore that the Petitioners have **any criminal antecedent**, this order shall stand recalled.

12. The BLAPL thus stands disposed of.
13. Urgent certified copy of this order be granted as per rules.

(V. NARASINGH)
Judge

PKS

