

29.04.2016

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

This is an application under Section 439 Cr.P.C. in connection with 2(a) C.C. No.02 of 2016(N) arising out of P.R. No. 14 of 2015-2016 of Inspector of Excise, Purushottampur pending in the Court of learned Addl. Sessions Judge, Chatrapur, Ganjam for the offence punishable 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 Addl. Sessions Judge, Chatrapur, Ganjam which was rejected on 11.04.2016.

Learned counsel for the petitioner submits that the petitioner is in custody since 17.03.2016 and it is the prosecution case that 3 Kgs. of Ganja was seized from the possession of the petitioner. He further submits that in the meantime, the investigation has made substantial progress and since the quantity of Ganja seized from the possession of the petitioner is lesser than commercial quantity, the bar under section 37 of the NDPS Act is not applicable and therefore taking into account the period of detention of the petitioner in judicial custody, the bail application of the petitioner may be favourably considered. He placed the seizure list and other connected documents.

Learned counsel for the State has produced the case diary and does not dispute regarding the quantity of ganja

seized.

Considering the submissions of learned counsels for the respective parties, the nature of accusations against the petitioner, the quantity of Ganja seized from the possession of the petitioner, absence of bar under section 37 of the N.D.P.S. Act for such quantity and taking into account the period of detention, I am inclined to release the petitioner on bail.

Let the petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.20,000.00 (rupees twenty thousand) with two solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter with further terms and conditions as the learned Court may deem just and proper.

Accordingly, the BLAPL is disposed of.

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

..  
S. K. Sahoo, J.