

BLAPL No.3084 of 2016
Misc. Case No.114 of 2017

11. 28.02.2017

Learned counsel for the petitioners does not want to press this application, which is dismissed as not pressed.

.....

Dr.D.P

.Choudhury,J

BLAPL No.3084 of 2016

12. 28.02.2017

Heard learned counsel for the petitioners and the learned State Counsel on the application under section 439 Cr.P.C. for release of the petitioners on bail who allegedly involved with the offence under Section 20(b)(ii)(c) of the NDPS Act.

2. Learned counsel for the petitioners submits that there is no seizure of any Ganja from the exclusive possession of the present petitioners, who belong to labour class, rather, the Ganja has been seized from the vehicle kept at a vacant land for which lenient view may be taken to release the petitioner on bail with any condition as deemed fit and proper.

3. Learned Standing Counsel for the State opposes the prayer for bail.

4. Considering the submissions of the learned counsel for the respective parties, regard being had to the facts and circumstances of the case including the seizure list and the other materials on record hardly suggesting the seizure of the Ganja with container from the exclusive conscious possession of the present petitioners, fact that the petitioners being local persons, there is no chance of their absconding or tampering with the prosecution evidence, let each of the petitioners be released on bail in connection with G.R. Case No.14 of 2016 pending in the court of learned Special Judge-cum-Sessions Judge, Phulbani on furnishing bail bond of Rs.50,000/- (rupees fifty thousand) each with two local solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter with the conditions that (i) The petitioners shall appear before the IO at 10:00 AM on each Sunday till submission of the final form; (ii) they shall not tamper with the prosecution witnesses directly or indirectly; and (iii) they shall not commit any offence while on bail.

4. Violation of any of the aforesaid terms shall entail cancellation of the bail. Accordingly, the BLAPL is disposed of.

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

.....

Dr.D.P.Choudhury,J

Basu