

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8950 of 2023

***Sana @ Mallik Samim Akhtar
and another***

Petitioners

Mr. M. Acharya, Advocate

-versus-

State of Odisha

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

31.08.2023

Order No.

01. 1. Heard learned counsel for the Petitioners and learned counsel for the State.
2. The Petitioners are accused in connection with Spl. G.R. Case No.71 of 2023, pending before the Court of the learned Special Judge-cum-Sessions Judge, Nayagarh, arising out of Nayagarh P.S. Case No.109 of 2023 for alleged commission of offences under Sections 21(b)/25/29 of NDPS Act.
3. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned Special Judge, Nayagarh by order dated 31.07.2023 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 04.07.2023 on the accusation of possessing the contraband (brown sugar) to the tune of 5 gram 260 mg, which is admittedly less than the commercial quantity.
5. Learned counsel for the State opposes the prayer for bail and submits that the Petitioners in as much as the Petitioners are

accused in Naygarha P.S. Case No.157 of 2022, under Section 399/402 of IPC, read with Sec.27 of the Arms Act.

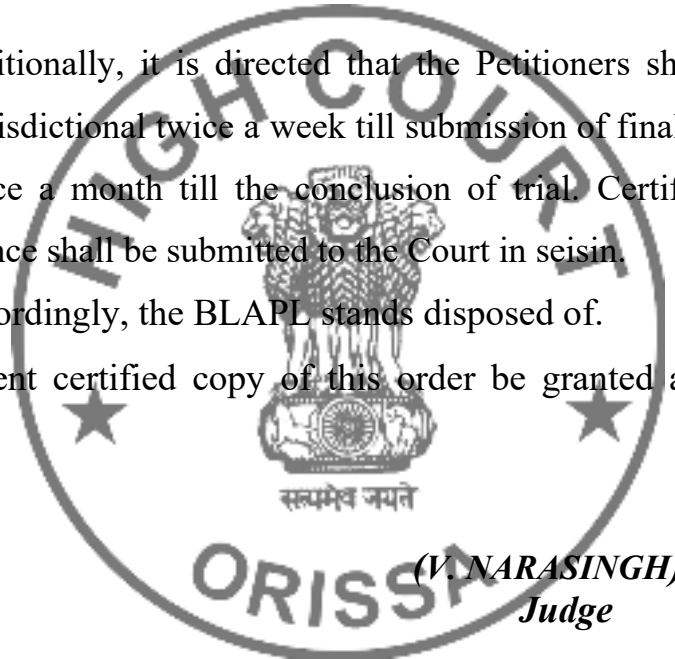
6. Taking into account the contraband, which is less than commercial quantity and the criminal antecedent is not being under the special Act, this Court directs the Petitioners to be released on bail on such terms to be fixed by the learned Court in seisin subject to verification of criminal antecedent of any nature.

7. If it comes to the fore that the Petitioners have any other antecedent than the one noted hereinabove, this order shall stand recalled.

8. Additionally, it is directed that the Petitioners shall appear before the jurisdictional twice a week till submission of final form and thereafter once a month till the conclusion of trial. Certification of such appearance shall be submitted to the Court in seisin.

9. Accordingly, the BLAPL stands disposed of.

10. Urgent certified copy of this order be granted as per the rules.



(V. NARASINGH)
Judge

Soumya

Signature Not Verified

Digitally Signed
Signed by: SOUMYA RANJAN SAMAL
Designation: Jr. Stenographer
Reason: Authentication
Location: High Court of Orissa
Date: 02-Sep-2023 19:23:10

