

(2023) 07 OHC CK 0089
In the Orissa High Court
Case No : Bail Application No.2470 Of 2023

Himanshu Sekhar Swain

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 12-07-2023

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 394
Arms Act, 1959 — Section 25, 27?Narcotic Drugs and Psychotropic Substances Act,
1985 — Section 21(b)

Citation : (2023) 07 OHC CK 0089

Hon'ble Judges : V. Narasingh, J

Bench : Single Bench

Advocate : S. Das, P.K. Maharaj

Final Decision : Disposed Of

Judgement

V. Narasingh, J

1. Heard learned counsel for the Petitioner and learned counsel for the State.
2. The Petitioner is an accused in G.R. Case No.1678 of 2022 pending on the file of learned S.D.J.M., Dhenkanal arising out of Sadar P.S. Case No.679 of 2022 for commission of offence alleged under Section 394 IPC and Sections 25/27 of the Arms Act.
3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Addl. Sessions Judge, Dhenkanal by order dated 22.02.2023 in the aforementioned case, the present BLAPL has been filed.
4. Considering the criminal antecedent of the Petitioner being of recent origin i.e. 9.1.2023 under Section 21(b) of the N.D.P.S. Act and Section 25 of the Arms Act, this Court is not inclined to entertain this bail application during currency of investigation.

5. Leave is granted to the Petitioner to renew his prayer before the learned Court in seisin post charge sheet which shall be considered on its own merit taking into account the release of the co-accused by order dated 20.03.2023 in BLAPL No.1448 of 2023.

6. The BLAPL is accordingly disposed of.

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