

(2023) 04 OHC CK 0233

In the Orissa High Court

Case No : Bail Application No. 3483 Of 2023

Satyabrata Mallik @ Kalu

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 24-04-2023

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439

Narcotic Drugs and Psychotropic Substances Act, 1985 — Section 20(b)(ii)(B), 37

Citation : (2023) 04 OHC CK 0233

Hon'ble Judges : S.K. Sahoo, J

Bench : Single Bench

Advocate : B.R. Tripathy, Arupananda Das

Final Decision : Disposed Of

Judgement

S.K. Sahoo, J

This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

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

This is an application under section 439 of Cr.P.C. in connection with Boudh Excise Station P.R. Case No.120 of 2022-23 corresponding to 2(a) C.C. Case No.10 of 2023 (N.D.P.S. Act) pending in the Court of learned Sessions Judge - cum- Special Judge, Boudh 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 Sessions Judge -cum- Special Judge, Boudh, which was rejected on 21.03.2023.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 15.03.2023 and the quantity stated to have been seized from the possession of the petitioner is 10 kgs of ganja which is lesser than commercial quantity and the bar under section 37 of the N.D.P.S. Act is not applicable and

therefore, the bail application of the petitioner may be favourably considered.

Learned counsel for the State opposed the prayed for bail.

Considering the submissions made by the learned counsel for the respective parties, the quantity of ganja seized, absence of bar under section 37 of the N.D.P.S. Act and the period of detention of the petitioner in judicial custody, 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.50,000.00 (rupees fifty thousand) with two local 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 including the conditions that the petitioner shall appear before the learned trial Court on each date to which the case is posted for trial, shall not indulge in any criminal activities and shall not try to tamper with the prosecution evidence.

Violation of any of the conditions shall entail cancellation of bail.

The BLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

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