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Date: 03/11/2025

(2023) 09 OHC CK 0116 Orissa High Court

Case No: Bail Application No. 6861 Of 2023

Munna Innus Shaik APPELLANT

Vs

State Of Odisha RESPONDENT

Date of Decision: Sept. 18, 2023

Acts Referred:

Code of Criminal Procedure, 1973 - Section 439

Narcotic Drugs and Psychotropic Substances Act, 1985 - Section 20(b)(ii)(C), 37(1)

Citation: (2023) 09 OHC CK 0116 Hon'ble Judges: V. Narasingh, J

Bench: Single Bench

Advocate: S. Manohar, K.K. Gaya

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 connection with Special G.R. Case No.143 of 2022, pending in the Court of the learned Sessions Judge -cum-

Special Judge, Malkangiri, arising out of Chitrakonda P.S. Case No.118 of 2022, for alleged commission of offences under Section 20(b)(ii)(C) of

NDPS Act.

3. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned Sessions Judge -cum- Special Judge, Malkangiri by

order dated 14.03.2023 in the aforementioned case, the present BLAPL has been filed.

4. It is submitted by the learned counsel that the Petitioner is in custody since 14.09.2022 and trial has not progressed beyond the stage of framing of

charge.

5. It is stated by the learned counsel that in the meanwhile one of the co-accused person has been released on bail by this Court by order dated

25.04.2023 in BLAPL No.4001 of 2023.

6. Learned counsel for the State opposes the prayer for bail inter alia on the ground of bar contained in Section 37(1) of NDPS Act and it is submitted

that the contraband to the tune of 104Kgs 500gms (Ganja) was seized from the vehicle which was being driven by the Petitioner along with the co-

accused. And, so far as release of the co-accused as stated hereinabove, it is submitted very rightly that the Petitioner is ex-facie not similarly

circumstanced since the accusation qua the said accused was on account of the co-accused statement.

- 7. Be that as it may, a report be called for from the learned Court in seisin regarding the stage of trial.
- 8. List this matter on 01.11.2023 along with such report.
- 9. In the meanwhile, learned counsel for the Petitioner is called upon to file an affidavit regarding criminal antecedent of the Petitioner, if any.
- 10. Registry is requested to do the needful.

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