

Pintu Pradhan Vs State Of Odisha

Court: Orissa High Court

Date of Decision: July 1, 2024

Acts Referred: Code of Criminal Procedure, 1973 " Section 439
Narcotics Drugs and Psychotropic Substances Act, 1985 " Section 20(b)(ii)(B), 37

Hon'ble Judges: A.K. Mohapatra, J

Bench: Single Bench

Advocate: Rajendra Narayan Rout, M.K.Mohanty

Final Decision: Disposed Of

Judgement

A.K. Mohapatra, J

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).

2. Heard learned counsel appearing for the Petitioner and learned Additional Standing Counsel appearing for the State-Opposite Party. Perused the

materials placed before this Court.

3. The present bail application under Section 439 of Cr.P.C. has been filed by the Petitioner for regular bail in connection with 2(a) C.C. Case No. 06

of 2024 (N), arising out of Inspector of Excise, District Striking Force P.R. No. 20/2024 -25, pending in the Court of learned Additional Sessions

Judge- Cum- Special Judge, Aska for alleged commission of offence punishable under Sections 20(b)(ii)(B) of the N.D.P.S. Act.

4. Learned counsel for the Petitioner submits that earlier this matter was not before any other Bench of this Court. It is submitted by the learned

counsel for the Petitioner that the Petitioner is in custody since 16.05.2024. Further contended that in the meantime the investigation has progressed

substantially. Further, allegations made in the F.I.R., the learned counsel for the Petitioner submitted that a total quantity of 9 kgs 100 gms. of ganja,

was recovered from the exclusive and conscious possession of the Petitioner, which is less than the commercial quantity, a bar under Section 37 of the

N.D.P.S. Act is not attracted. He further submitted that the Petitioner does not have any similar criminal antecedent. In such view of the matter,

learned counsel for the Petitioner submitted that the Petitioner be released on bail on any terms and condition which the Petitioner undertakes to abide

5. Learned Additional Standing Counsel appearing for the State-OpPOSITE Party, on the other hand, opposed the release of the Petitioner on bail on the

Standing Counsel submitted that nature of allegation and the contraband used in the present case is itself a threat to the society. Therefore, he

6. Having heard the learned counsels appearing for the respective parties and on a careful examination of the surrounding facts and circumstances of

release the Petitioner on bail subject to imposition of stringent conditions.

thousand) with two local solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter.

shall entail cancellation of the bail application.

Petitioner. In the event the Petitioner is having any similar criminal antecedent under the offences of NDPS Act, this bail order shall automatically

10. The BLAPL is, accordingly, disposed of.

[illegible]