

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.552 of 2023

Manguli Charan Palei **Appellant/
Petitioner**

Mr.B.K. Raj, Advocate

-versus-

State of Odisha **Respondent/
Opp. Party**

*Mr.Arupananda Das
Addl. Govt. Advocate*

**CORAM:
JUSTICE S.K. SAHOO**

ORDER

21.06.2023

CRLA No.552 of 2023

Order No.

01. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).
Heard.
Admit.
Call for the trial Court records.

**(S.K. Sahoo)
Judge**

I.A. No.1220 of 2023

02. This is an application for bail.
The appellant-petitioner Manguli Charan Palei has been convicted under section 20(b)(ii)(B) of the N.D.P.S. Act and sentenced to undergo rigorous imprisonment for

a period of two years and six months and to pay a fine of Rs.25,000/- (rupees twenty five thousand) and in default, to undergo rigorous imprisonment for a further period of three months for the offence under section 20(b)(ii)(B) of the N.D.P.S. Act by the learned Addl. Sessions Judge -cum- Special Judge, Athagarh vide judgment and order dated 05.05.2023 in Spl. Case No. No.03 of 2022.

Learned counsel for the petitioner submitted that the petitioner was on bail during trial and he has never misutilized the liberty. He further submitted that since the total period of sentence imposed on the appellant by the learned trial Court is two years and six months and there is no chance of early hearing of the appeal in the near future and the bar under section 37 of the N.D.P.S. Act is not applicable for the offence under section 20(b)(ii)(B) of the N.D.P.S. Act, the bail application may be favourably considered.

Learned counsel for the State opposed the prayer for bail.

Considering the submissions made by the learned counsel for the respective parties, the nature of evidence adduced during trial, the total period of sentence awarded by the learned trial Court and the fact that the petitioner was on bail during trial and absence of any criminal antecedents against him, I am inclined to release the petitioner on bail.

Let the appellant-petitioner be released on bail pending disposal of the appeal on furnishing bail bond of Rs.50,000/- (rupees fifty thousand) with two solvent sureties each for the like amount to the satisfaction of the learned trial Court with such terms and conditions as the learned Court may deem just and proper. Violation of any of the conditions shall entail cancellation of bail.

The I.A. is disposed of.

**(S.K. Sahoo)
Judge**

I.A. No.1221 of 2023

03.

This is an application for stay of realization of fine.
Heard.

There shall be stay of realization of fine amount imposed on the appellant-petitioner by the learned Addl. Sessions Judge -cum- Special Judge, Athagarh vide judgment and order dated 05.05.2023 in Spl. Case No. No.03 of 2022 pending disposal of the criminal appeal.

The I.A. is disposed of.

Issue certified copy as per rules.

**(S.K. Sahoo)
Judge**

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