

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.123 of 2023

***Prasanta Kumar Mahanta @
Prasanta Mohanta***

Petitioner

Mr. S.G. Das, Advocate

-versus-

State of Odisha

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

**ORDER
16.01.2023**

Order No.

01. 1. Heard learned counsel for the Petitioner and learned counsel for the State.
2. The Petitioner is an accused in T.R. Case No.397 of 2022 pending on the file of learned District and Sessions Judge, Khurda, arising out of Chandrasekharapur P.S. Case No.342 of 2022 for commission of the offence alleged under Section 20(b)(ii)(B) of the N.D.P.S Act.
3. Being aggrieved by the rejection of his application for bail U/s. 439 Cr.P.C by the learned 3rd Addl. Sessions Judge, Bhubaneswar by order dated 16.12.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted by the learned counsel that by order dated 13.12.2022, this Court directed release of the Petitioner in BLAPL No.11116 of 2022 subject to verification of the criminal antecedent of similar nature.

5. It is stated that since it came to fore that the Petitioner has criminal antecedent of similar nature inasmuch as he is cited as an accused in Chandrasekharpur P.S. Case No.366 of 2021, learned Court in seisin rejected the bail application of the Petitioner.

6. Prima facie this Court does not find any infirmity in the order passed by the learned Court in seisin.

7. It is placed on record that the Petitioner was released on bail in the said Chandrasekharpur P.S Case No.366 of 2021 by order dated 22.02.2022 by this Court in BLAPL No.10123 of 2021 taking into account his complicity in the said case was on the basis of the co-accused statement.

8. Considering the circumstance under which the Petitioner has been cited as an accused in Chandrasekharpur P.S. as noted above and as the contraband involved in the case at hand is less than the commercial quantity, this Court directs the Petitioner to be released on bail on such terms to be fixed by the learned court in seisin.

9. Keeping in view his criminal proclivity, additionally it is directed that one of the sureties shall be the immediate family member of the Petitioner and he shall appear before the jurisdictional police station of the learned Court in seisin once every week till conclusion of trial.

10. Accordingly, the BLAPL stands disposed of.

11. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge

PKS