

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7815 of 2022

Sekh Babar @ Md. Rehaman ***Petitioner***

Mr. K.A. Guru, Advocate

-versus-

State of Odisha ***Opposite Party***

Mr. M. Mishra, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
07.12.2022

Order No.

02. 1. Heard Mr. K.A. Guru on behalf of Mr. S.K. Panda, learned counsel for the Petitioner and Mr. M. Mishra, learned counsel for the State.
2. The Petitioner is an accused in T.R No.33 of 2022 pending on the file of learned Sessions Judge-cum-Special Judge, Sambalpur, arising out of Sambalpur Town P.S Case No.251 of 2022, for commission of the alleged offence under Sections 274/275/34 IPC and Section 21(b)/29 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 Sessions Judge-cum-Judge (Special Court), Sambalpur by order dated 27.07.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted by the learned counsel for the Petitioner that the Petitioner is in custody since 2.7.2022 and the charge sheet has been filed on 29.08.2022 and the contraband (brown sugar) seized

to the tune 13.080 grams and codeine phosphate being admittedly less than commercial quantity, the rigors of Section 37 of the N.D.P.S. Act are not attracted. He further submits that co-accused from whose contraband seized has been released on bail by order dated 11.11.2022 in BLAPL No.7489 of 2022. Hence, the Petitioner be released on bail.

6. Learned counsel for the State opposes the prayer for bail.

7. Taking into account that the contraband seized is less than the commercial quantity and filing of the charge sheet, this Court directs the Petitioner to be released on bail on such terms to be fixed by the Court in seisin over the matter.

8. Taking into account that the Petitioner has criminal proclivity though not of similar nature, this Court directs the Petitioner to appear before the jurisdictional police station once every week till conclusion of trial.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

PKS