

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6771 of 2022

Ganesh Nath

....

Petitioner

Mr. P.R. Singh, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. M. Mishra, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

08.12.2022

Order No.

04.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. The petitioner is an accused in C.T. (Special) NDPS Case No.05 of 2022, pending in the file of learned Judge, Special Court, Dhenkanal, arising out of Dhenkanal Town P.S. Case No.345 of 2022, for commission of alleged offences under Sections 21(b) of the NDPS Act.
3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Judge, Special Court, Dhenkanal by order dated 12.07.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted that the petitioner is in custody since 09.06.2022 and as charge sheet has been filed on 07.08.2022 and the contraband (brown Sugar) seized being to the tune of 15 grams

200 mgs which is admittedly less than commercial quantity, further continuance of the petitioner in custody is not warranted.

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

6. Considering the period of custody and filing of charge sheet and the contraband (Brown Sugar) seized being less than commercial quantity, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin.

7. Learned counsel for the petitioner on instruction files a memo indicating that petitioner has no criminal antecedent. Before releasing the petitioner the learned Court in seisin is called upon to verify the assertion regarding his criminal antecedent. If it comes to the fore that petitioner has criminal antecedents of similar nature, this order shall stand recalled.

8. Accordingly, the BLAPL stands disposed of.

9. Urgent certified copy of this order be granted as per the rules.

(V. NARASINGH)
Judge