

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7237 of 2022

Ayub Khan @ MD. Ayub

....

Petitioner

Mr. P.K. Nayak, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
29.11.2022

Order No.

02.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner is an accused in C.T. (Special) Case No.21 of 2022, pending on the file of learned Special Judge, Jharsuguda, arising out of Jharsuguda P.S. Case No.286 of 2022, for commission of alleged offences under Section 21(b)/25/29 of NDPS Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Special Judge, Jharsuguda by order dated 30.07.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel that the petitioner is in custody since 14.07.2022 and charge sheet has already been filed

on 19.07.2022. Hence, it is stated that further continuance of the petitioner in custody is not warranted.

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

7. Considering that the total contraband (Brown Sugar) seized is to the tune of 16.940 gms which is less than commercial quantity and taking into account the filing of charge sheet and period of custody, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned court in seisin over the matter.

8. While enlarging the petitioner on bail, the learned Court below shall verify assertion regarding criminal antecedent of the petitioner. If it comes to the fore that the petitioner has criminal antecedent of similar nature, this order shall stand recalled without any further reference to this Court.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge