

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7266 of 2022

Jitendra Samal

....

Petitioner

Mr. S.K. Dash, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
09.11.2022

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 connection with C.T.(SPL) NDPS Case No.09 of 2022, pending in the Court of the learned Additional Special Judge, Talcher, arising out of Colliery P.S. Case No.350 of 2022, for alleged commission of offences under Sections 21(b)/29 of NDPS Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Special Judge, Talcher, by order dated 22.07.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that the petitioner is in custody since 19.07.2022 and since charge-sheet has already been filed on 16.09.2022 under Sections 21(b)/29 of the NDPS Act and the quantity of the contraband (Brown Sugar) is to the tune of 41gm 730mg which is much less than the commercial

quantity and as the petitioner is the first offender, his further continuance in custody is unwarranted.

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

7. Considering the filing of final form and that the petitioner is the first offender, 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 releasing the petitioner on bail the learned Court below shall verify assertion regarding the criminal antecedent of the petitioner. If it comes to the fore that the petitioner has any criminal antecedent, 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 rule.

Ayesha

