

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7317 of 2022

Basanta Mukhi

....

Petitioner

Mr. B.K. Das, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
31.10.2022

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 G.R. Case No.41 of 2022 arising out of Baripada Town P.S. Case No.397 of 2022, pending on the file of the learned Sessions Judge-cum-Special Judge, Mayurbhanj, Baripada for alleged commission of offence under Section 21(b) of the N.D.P.S Act.
4. Being aggrieved by the rejection of his application for bail U/s. 439 Cr.P.C. by the learned Special Judge, Mayurbhanj, Baripada by order dated 22.07.2022, the present BLAPL has been filed.
5. Learned counsel for the Petitioner submits that the contraband seized is to the tune of 8.20 gram (brown sugar), which is admittedly less than the commercial quantity, as prescribed.

Hence, it is stated that rigors of Section 37 of the N.D.P.S Act are not attracted in the case at hand and since the charge sheet has already been filed on 20.07.2022, his further continuance in custody is punitive.

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

7. Considering the quantity of contraband seized and filing of the charge sheet, and that the Petitioner is the first offender, as submitted, 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. Learned Court in seisin over the matter shall verify the criminal antecedents of similar nature. If it comes to the fore that the Petitioner has such any criminal antecedent, this order shall stand recalled.

9. The BLAPL thus stands disposed of.

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

PKS

