

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7379 of 2022

Hakim Khan @ Hapus

....

Petitioner

Mr. N.K. Lenka, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

24.11.2022

Order No.

03.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
3. The petitioner is an accused in connection with Special G.R. Case No.49 of 2022, pending in the Court of learned Special Judge-cum-Sessions Judge, Nayagarh, arising out of Nayagarh P.S. Case No.48 of 2022, for commission of offences under Sections 21(C)/29 of NDPS Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge-cum-Special Judge, Nayagarh, by order dated 28.07.2022 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 28.07.2022 and since charge-sheet has already been filed on 12.10.2022 and quantity of contraband seized is 100gms of brown sugar, which is admittedly less than the

commercial quantity and it is also stated that the co-accused Khuri Begum has been released on bail by this Court by order dated 20.05.2022 in BLAPL No.4389 of 2022, hence further continuance of the petitioner in custody is unwarranted

6. Taking into account the seizure being less than the commercial quantity and the release of the co-accused, 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.

7. Accordingly, the BLAPL stands disposed of.

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

Ayesha



(V. NARASINGH)
Judge