

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7482 of 2022

Biswanath Behera

....

Petitioner

Mr. A.S. Paul, Advocate

-versus-

State of Orissa

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
23.11.2022

Order No.

03.

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 T.R. Case No.58 of 2022, pending in the Court of the learned Additional Sessions Judge-cum-Special Judge, under NDPS Act, arising out of Khurda Sadar P.S. Case No.114 of 2022, for alleged commission of offences under Sections 21(b)/29 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 under NDPS Act, Khurda, by order dated 26.07.2022 in the aforementioned case, the present BLAPL has been filed.
5. Admittedly since the quantity of the contraband (brown sugar) is to the tune of 10.75gms, which is less than the commercial quantity as prescribed and keeping in view the petitioner is in

custody from 27.06.2022 and final P.R. has been submitted on 24.08.2022, this Court directs the petitioner to be released on bail on such terms to be fixed by the Court in seisin over the matter.

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

7. Accordingly, the BLAPL stands disposed of.

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

Ayesha

