

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7489 of 2022

Bijay Nag

....

Petitioner

Mr. L.N. Patel, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

11.11.2022

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 T.R Case No.33 of 2022, pending on the file of Sessions Judge-cum-Judge (Special Court), Sambalpur, arising out of Sambalpur Town P.S Case No.251 of 2022, for commission of the offence under Sections 274/275/34 IPC and Section 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 Sessions Judge-cum-Judge (Special Court), Sambalpur by order dated 27.07.2022 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 2.7.2022 and the charge sheet has been filed on 29.08.2022 and the contraband (brown sugar) seized to the tune 13.080 grams and codeine phosphate being admittedly less than commercial quantity, the rigors of Section 37 of the

N.D.P.S. Act are not attracted. Hence, the Petitioner be released on bail.

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

7. Taking into account that the contraband seized is less than the commercial quantity and filing of the charge sheet, this Court directs the Petitioner to be released on bail on such terms to be fixed by the Court in seisin over the matter.

8. While enlarging the Petitioner on bail, learned court below shall verify assertion regarding his criminal proclivity. If it comes to the fore that the Petitioner has any criminal antecedent of similar nature, this order shall stand recalled.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

PKS

