

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7635 of 2022

Chitu Mallick

....

Petitioner

Mr. R.N. Panda, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

23.11.2022

Order No.

04.

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.281 of 2022, pending in the file of learned District & Sessions Judge, Khurda at Bhubaneswar, arising out of BBSR-2 Excise Station P.R. Case No.49 of 2022-23, for commission of alleged offences under Sections 21(b) of NDPS Act and is in custody since 21.07.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned District and Sessions Judge, Khurda At-Bhubaneswar 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 21.07.2022 and as final P.R. has been submitted on 19.09.2022.
6. Perused the order of rejection.
7. Taking into account that the seizure of the contraband (Heroin) to the tune of 167 grams is admittedly less than the

commercial quantity as prescribed and period of custody and filing of charge sheet, 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.

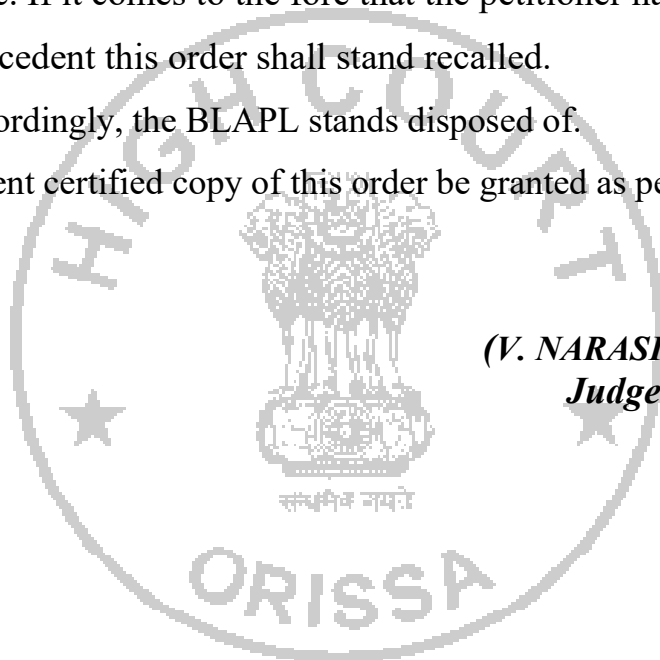
8. Additionally, it is directed that the petitioner shall appear before the I.O. once every week on such date and time to be fixed by the learned Court in seisin till submission of final P.R.

9. While enlarging the petitioner on bail the learned Court below shall verify assertion regarding his criminal antecedent of similar nature. If it comes to the fore that the petitioner has any such criminal antecedent this order shall stand recalled.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge



Santoshi