

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7690 of 2022

Bharat Sethy

....

Petitioner

Mr. A.S. Paul, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
23.12.2022

Order No.

04.

1. Heard learned counsel for the Petitioner and learned counsel for the State.
2. The Petitioner is an accused in T.R. Case No.67 of 2022, pending on the file of learned 1st Addl. Sessions Judge-cum-Special Judge under NDPS Act, Khurda, arising out of Baghamari P.S. Case No.92 of 2022, for commission of the alleged offence under Sections 21(b)/29 of the NDPS Act.
3. 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 28.07.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted by the learned counsel that contraband (brown sugar) seized is to the tune of 61.83 grms., which is admittedly less than the commercial quantity.
5. He further submits that the Petitioner is in custody since 25.07.2022 and as charge sheet has been filed since 21.09.2022, his further continuance in custody is not warranted.

6. Learned counsel for the State opposes the prayer for bail.
7. Taking into account the period of custody 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. Learned counsel for the Petitioner submits that he is not in a position to apprise this Court about the criminal antecedent of the Petitioner.
9. While releasing the Petitioner on bail, learned Court below shall verify assertion regarding **criminal antecedent of similar nature**. If the Petitioner has any such criminal antecedent, this order shall stand recalled.
10. The BLAPL thus stands disposed of.
11. Urgent certified copy of this order be granted as per rules.

(V. NARASINGH)
Judge

PKS

