

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8045 of 2022

Amir Khan @ Shakrukh Khan

Petitioner

Mr. S. Panda, Advocate

-versus-

State of Odisha

Opposite Party

Mr. M. Mishra, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

13.12.2022

I.A. No.2198 of 2022

Order No.

03.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. Learned counsel for the petitioner submits that he does not want to press this I.A.
3. Accordingly, the I.A. stands disposed of as not pressed.

(V. NARASINGH)
Judge

BLAPL No. 8045 of 2022

Order No.

04.

1. The petitioner is an accused in T.R. Case No.33 of 2022, pending in the file of learned Sessions Judge-cum-Judge (Special Court), Sambalpur, arising out of Town P.S. Case No.251 of 2022, for commission of alleged offences under Sections 274/275/34 of IPC read with Section 21(b)/29 of the NDPS Act.

2. 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.

3. It is submitted that the petitioner is in custody since 02.07.2022 and as charge sheet has already been filed on 29.08.2022, he may be enlarged on bail and more so when he is the first offender.

4. It is further submitted by the learned counsel for the petitioner that co-accused Bijay Nag has since been released on bail by this Court by order dated 11.11.2022 in BLAPL No.7489 of 2022. Hence on the ground of parity too, petitioner seeks release.

5. Taking into account the contraband (brown sugar) seized being to the tune of 13.080 grams which is admittedly less than commercial quantity and 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.

6. While enlarging the petitioner on bail the 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.

7. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge