

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8116 of 2022

Moin Ahamed

....

Petitioner

Mr. L. Dash , Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

19.12.2022

Order No.

02.

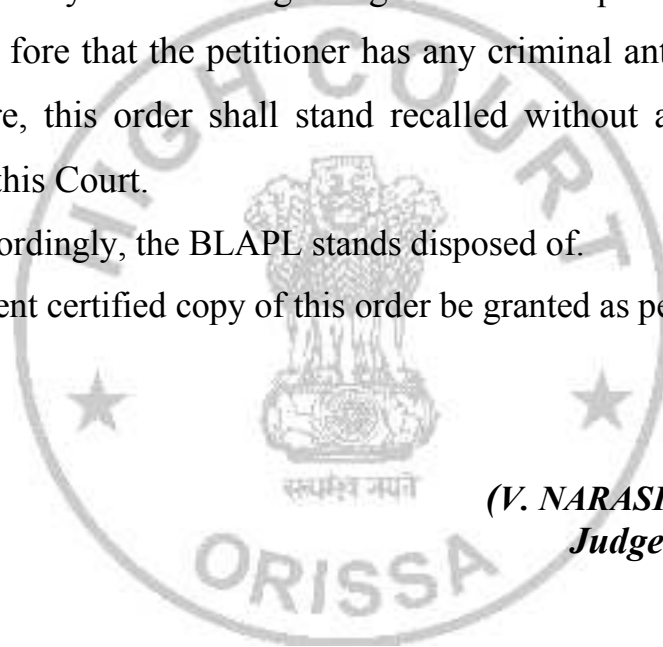
1. Heard learned counsel for the petitioner and learned counsel for the State.

2. The petitioner is an accused in 2(a) C.C. Case No.9 of 2022(N), pending in the file of learned Additional Sessions Judge-cum-Special Judge, Khallikote, Dist-Ganjam, arising out of P.R. Case No.31 of 2022-23 of Inspector of Excise, Sadar Range, Chatrapur, for alleged commission of offence under Sections 20(b)(ii)(B) of the NDPS Act.

3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge-cum-Special Judge, Khallikote, Dist-Ganjam by order dated 17.08.2022 in the aforementioned case, the present BLAPL has been filed.

4. It is submitted by the learned counsel that petitioner is in custody since 03.08.2022 and final P.R. has been submitted on 01.10.2022 and the contraband (ganja) seized being to the tune of 13 Kgs which is admittedly less than commercial quantity, further continuance of the petitioner in custody is not warranted.

5. Learned counsel for the State opposes the prayer for bail.
6. Taking into account the contraband seized being less than commercial quantity and the period of custody, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin.
7. Learned Court in seisin is called upon to fix suitable terms keeping in view that the petitioner does not reside within its territorial jurisdiction.
8. 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 without any further reference to this Court.
9. Accordingly, the BLAPL stands disposed of.
10. Urgent certified copy of this order be granted as per rules.



(V. NARASINGH)
Judge

Santoshi