

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8142 of 2022

Titu @ Ramesh Chandra Jena ***Petitioner***

Mr. D.K. Sahoo , 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 T.R. Case No.116 of 2022, pending in the file of learned Sessions Judge-cum-Special Judge, Kendrapada, arising out of Marshaghai P.S. Case No.316 of 2022, for alleged commission of offence under Sections 21(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 Sessions Judge-cum-Special Judge, Kendrapara by order dated 19.08.2022 in the aforementioned case, the present BLAPL has been filed.

4. It is submitted by the learned counsel that petitioner is in custody since 10.08.2022 and final charge sheet has already been filed on 09.10.2022 and the contraband (brown sugar) seized being to the tune of 5.650 mg 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 (brown sugar) 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 counsel for the petitioner submits that he is not in a position to apprise this Court about the criminal antecedent of the petitioner.
8. While releasing the petitioner on bail, learned Court below shall verify assertion regarding the **criminal antecedent of similar nature**. If the petitioner has any such criminal antecedent, this order shall stand recalled.
9. Accordingly, the BLAPL stands disposed of.
10. Urgent certified copy of this order be granted as per rules.

(V. NARASINGH)
Judge

Santoshi