

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8153 of 2022

Mitan Guru @ Mitu

....

Petitioner

Mr. A.Mohanty , 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 Mr. Amar Mohanty, learned counsel for the petitioner on behalf of Mr. A.S. Paul and learned counsel for the State.

2. The petitioner is an accused in T.R. Case No.72 of 2022, pending in the file of learned 1st Additional Sessions Judge-cum-Special Judge under NDPS Act, Khordha arising out of Khurda Model P.S. Case No.380 of 2022, for alleged commission of offence under Sections 21(b)/29 of NDPS Act.

3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned 1st Additional Sessions Judge-cum-Spl. Judge under NDPS Act by order dated 16.08.2022 in the aforementioned case, the present BLAPL has been filed.

4. Admittedly since the quantity of the contraband (brown sugar) is to the tune of 10.7gms, which is less than the commercial quantity as prescribed and keeping in view that the petitioner is in custody from 09.08.2022 and filing of charge-sheet on 30.09.2022,

this Court directs the petitioner to be released on bail on such terms to be fixed by the Court in seisin.

5. While releasing the petitioner on bail, the learned Court below shall verify assertion regarding criminal antecedents of similar nature. If it comes to the fore that the petitioner has any such criminal antecedent, this order shall stand recalled without any further reference to this Court.

6. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge



Santoshi