

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8163 of 2022

Sukanta Kumar Behera

....

Petitioner

Mr. A. Mishra , Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, 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) CC No.14 of 2022, pending in the file of learned Sessions Judge-cum-Special Judge (3rd ADJ), Cuttack arising out of Excise E.I. & E.B. Unit-II, Cuttack P.R. Case No.14 of 2022, for alleged commission of offence under Sections 21(b) of NDPS Act.

3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned 3rd Additional Sessions Judge, Cuttack by order dated 10.08.2022 in the aforementioned case, the present BLAPL has been filed.

4. It is the second journey of the petitioner to this Court.

5. It is stated that the petitioner is in custody since 12.04.2022 and as final P.R. has been submitted on 11.06.2022 that the petitioner is in possession of 215 grams of brown sugar.

6. It is stated that the petitioner has home and hearth within jurisdiction of the Court in seisin and there is no chance of his

absconding and taking into account that the quantity is less than commercial quantity, the bar under Section 37 of the NDPS Acts not attracted. Hence he may be released on bail.

7. Learned counsel for the State opposes the prayer for bail.

8. Taking into account the period of custody and filing of final P.R as noted, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin.

9. On instruction, the learned counsel for the petitioner submits that the petitioner was arrayed as an accused in a case under Bihar and Odisha Excise Act more than a decade ago excepting one case, he has no other antecedent.

10. While releasing the petitioner, the same shall be verified. If it comes to the fore that the petitioner has any other criminal antecedent of similar nature other than the one case as noted, this order shall stand recalled.

11. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi