

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8170 of 2022

SK. Rajo

....

Petitioner

Mr. J. Sahoo , 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. Name of learned counsel Mr. P.R. Chhatoi, and associates be deleted, since learned counsel Mr. J. Sahoo and associates have entered appearance.
3. Registry is requested to verify and indicate their name in the list as well as in the cause list and in the CMS of this Court.
4. The petitioner is an accused in T.R. Case No.314 of 2022, pending in the file of learned Sessions Judge, Khordha at Bhubaneswar arising out of Khandagiri P.S. Case No.418 of 2022, for alleged commission of offence under Sections 21(b) of NDPS Act.
5. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge, Khurda at Bhubaneswar by order dated 17.08.2022 in the aforementioned case, the present BLAPL has been filed.

6. It is submitted by the learned counsel that petitioner is in custody since 11.08.2022 and final charge sheet has already been filed on 05.11.2022 and the contraband (brown sugar) seized being to the tune of 6.60 grams which is admittedly less than commercial quantity, further continuance of the petitioner in custody is not warranted.

7. Copy of charge sheet is taken on record.

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

9. 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.

10. Learned counsel for the petitioner submits that he is not in a position to apprise this Court about the criminal antecedent of the petitioner.

11. 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.

12. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge