

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8576 of 2022

SK. Arshad

....

Petitioner

Mr. B. Dalai, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
24.11.2022

Order No.

03.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner is an accused in T.R. Case No.113 of 2022, pending in the file of learned Sessions Judge-cum-Special Judge, Kendrapara, arising out of Kendrapara Town P.S. Case No.136 of 2022, for commission of alleged offences under Sections 21(b)/29 of NDPS Act.
4. 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 30.08.2022 in the aforementioned case, the present BLAPL has been filed.
5. Perused the order of rejection.
6. Taking into account the seizure of the contraband (Brown Sugar) to the tune of 9.57 gms is admittedly less than the

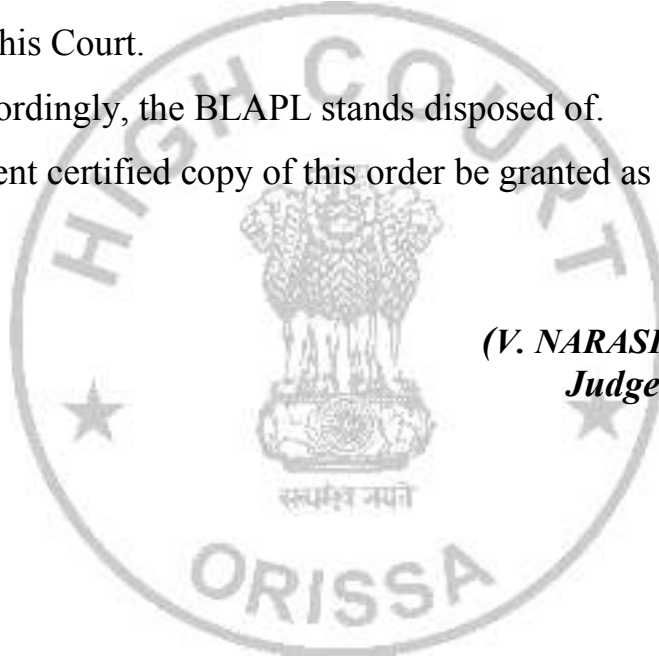
commercial quantity as prescribed and considering that the petitioner is in custody since 30.08.2022 and that charge sheet has already been filed on 03.10.2022, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin over the matter.

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

8. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge



Santoshi