

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8616 of 2022

Siraj Khan

....

Petitioner

Mr. U.R. Jena, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
21.12.2022

Order No.

- 02.
1. Heard learned counsel for the Petitioner and learned counsel for the State.
 2. The Petitioner is an accused in Special G.R. Case No.140 of 2021 pending on the file of learned Sessions Judge-cum-Special Judge, Bolangir, arising out of Tusura P.S. Case No.184 of 2021 for offences under Section 20(b)(ii)(C) of the N.D.P.S Act.
 3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Special Judge, Balangir, by order dated 06.07.2022 in the aforementioned case, the present BLAPL has been filed.
 4. It is submitted that the Petitioner is in custody since 23.12.2021 and charge sheet has been filed on 19.06.2022 and the contraband (Ganja) seized is 21 Kg. He further submits that the Petitioner is similarly circumstanced with the co-accused, namely, Jotirmaya Harpal, who has been released on bail by order dated

21.07.2022 in BLAPL No.1423 of 2022. Hence, his further continuance in custody is not warranted.

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

6. Taking into account the filing of the charge sheet and release of the co-accused, 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. 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 **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 rule.

(V. NARASINGH)
Judge

PKS