

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8644 of 2022

Gandhia @ Prasanna Sethi

....

Petitioner

Mr. S.K. Bhanjadeo, Advocate

-versus-

State of Orissa

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

22.12.2022

Order No.

02.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. The petitioner is an accused in connection with T.R. No.61 of 2022, pending in the Court of learned 1st Additional Sessions Judge-cum-Special Judge under NDPS Act, Khurda, arising out of Baghamari P.S. Case No.84 of 2022, for alleged commission of offences under Sections 21(b)/29 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 1st Additional Sessions Judge, Khurda, by order dated 20.08.2022 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 5.9gms, which is less than the commercial quantity as prescribed and keeping in view that the petitioner is in custody since 18.08.2022 and filing of charge-sheet on 05.09.2022,

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

5. While releasing the petitioner on bail, the learned Court in seisin over the matter shall verify assertion regarding criminal antecedents of similar nature. If it comes to the fore that the petitioner has such criminal antecedent, this order shall stand recalled.

6. Accordingly, the BLAPL stands disposed of.

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

Ayesha



(V. NARASINGH)
Judge