

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No.8743 of 2022**

***Sk. Mumtaz @ Aman***

....

***Petitioner***

Mr. P.K. Rath, Advocate

*-versus-*

***State of Odisha***

....

***Opposite Party***

Mr. Karunakar Gaya, ASC

**CORAM: JUSTICE V. NARASINGH**

**ORDER**

**03.11.2022**

**Order No.**

02.

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.59 of 2022-23, pending on the file of learned 1<sup>st</sup> Addl. Sessions Judge-cum-Special Judge, Khordha, arising out of Inspector of Excise, Khordha, P.R. Case No.22 of 2022-23, for commission of the alleged offence under Section 21(b) of the NDPS Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Special Judge under NDPS Act, Khurda by order dated 29.08.2022 in the aforementioned case, the present BLAPL has been filed.
5. Learned counsel for the Petitioner submits that the Petitioner is in custody since 28.06.2022 and since final P.R. has

been filed on 29.08.2022, his further continuance in custody is unwarranted.

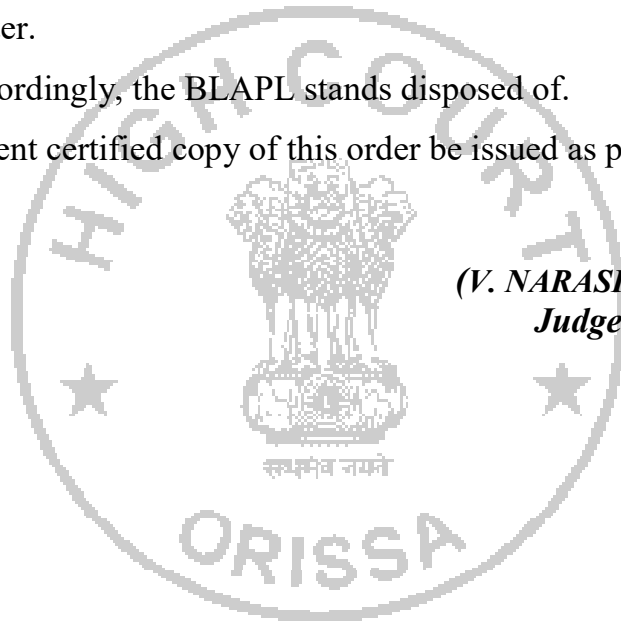
6. Learned counsel for the State opposes the prayer for bail of the Petitioner.

7. Considering that the contraband seized (heroin) is to the tune of 42 grams, which is less than the commercial quantity, as prescribed and the Petitioner is the first offender, as submitted, and filing of the final P.R., this Court directs the Petitioner to be released on bail on such terms to be fixed by the Court in seisin over the matter.

8. Accordingly, the BLAPL stands disposed of.

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

*PKS*



*(V. NARASINGH)*  
*Judge*