

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8826 of 2022

Balaram Swain

....

Petitioner

Mr. S. Mohanty, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
28.11.2022

Order No.

03.

I.A No.2089 of 2022

1. This matter is taken up through hybrid mode.
2. This I.A has been filed by the Petitioner for modification of the order dated 22.11.2022.
3. Heard learned counsel for the Petitioner.
4. This Court by order dated 22.11.2022 directed release of the Petitioner on bail keeping in view the submission of final P.R. and considering that the quantity of contraband (brown sugar) is less than the commercial quantity and also directed the criminal antecedent to be verified.
5. Learned counsel for the Petitioner submits that he could not bring to the notice of the Court that the Petitioner had one criminal antecedent inasmuch as he is cited as an accused in Cuttack Sadar P.S. Case No.171 of 2015 (G.R. Case No.932 of 2015 on the file of learned J.M.F.C. (R), Cuttack) for commission of offence under Sections

407/34 IPC. Hence, it is stated that the same may not be treated as an antecedent and the stipulation made in paragraph-6 may be suitably modified.

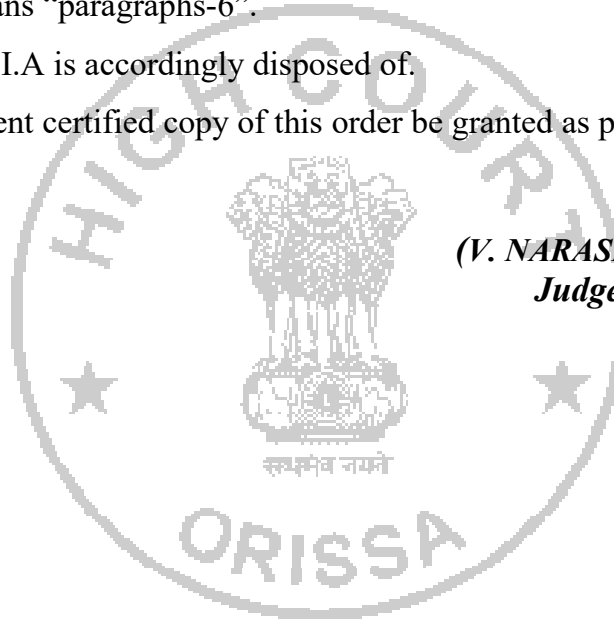
6. Considering the nature of criminal antecedent, this Court directs recall of paragraph-6 of the order dated 22.11.2022 relating to criminal antecedent. Rest of the stipulations made in the order dated 22.11.2022 remain unaltered.

7. Learned Court in seisin is called upon to act on production of the order in the I.A along with order passed by this Court on 22.11.2022 sans “paragraphs-6”.

8. The I.A is accordingly disposed of.

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

PKS



(V. NARASINGH)
Judge