

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8847 of 2022

***Santosh Kumar Baliarsigh @
Babi***

Petitioner

Mr. J. Samantaray

-versus-

State of Odisha

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

**ORDER
23.12.2022**

Order No.

02.

1. Heard learned counsel for the petitioners and learned counsel for the State.
2. The petitioners are accused in T.R. Case No.71 of 2022, pending in the Court of the learned 1st Additional Sessions Judge-cum-Special Judge under NDPS Act, Khurda arising out of Jankia P.S. Case No.282 of 2022, for commission of alleged offences under Sections 21(b) and 29 of the NDPS Act.
3. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned 1st Additional Sessions Judge-cum-Spl. Judge under NDPS Act, Khurda by order dated 11.08.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted by the learned counsel that petitioners are in custody since 07.08.2022 and final charge sheet has already been filed on 30.09.2022 and the contraband (brown sugar) seized being

to the tune of 23.57 grams which is admittedly less than commercial quantity, further continuance of the petitioners in custody is not warranted.

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

6. Taking into account the contraband (brown sugar) seized being less than commercial quantity and the period of custody, this Court directs the petitioners to be released on bail on such terms to be fixed by the learned Court in seisin.

7. Learned counsel for the petitioners submits that he is not in a position to apprise this Court about the criminal antecedent of the petitioners.

8. While releasing the petitioners on bail, learned Court below shall verify assertion regarding the **criminal antecedent of similar nature**. If the petitioners have 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 rules.

(V. NARASINGH)
Judge

Santoshi