

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8937 of 2022

Dhiren Das

....

Petitioner

Mr. P.S. Nayak, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
10.11.2022

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 C.T. (NDPS) Case No.11 of 2022, pending in the file of learned Special Judge, Angul, arising out of P.R. Case No.61 of 2022-23 of Inspector of Excise, DMS Angul, for alleged commission of offence under Sections 21(b) of NDPS Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Special Judge, Angul by order dated 07.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that the petitioner is in custody since 06.09.2022 and that the final PR has already been submitted on 02.11.2022 which is taken on record, further continuance of the petitioner in custody is not warranted.

6. Taking into account that the contraband (Brown Sugar) seized is to the tune of 112 gms, which is less than the commercial quantity and considering the period of custody and submission of final PR, 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 State submits that he has not received any instruction regarding criminal antecedent of the petitioner, which has a bearing in the case at hand, since the same relates to one under the NDPS Act.

8. Taking note of the same, it is directed the learned Court in seisin shall verify assertion regarding criminal antecedent of the petitioner of similar nature. If it comes to the fore that 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

Santoshi