

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8974 of 2022

Aditya Singh

....

Petitioner

Mr. R.L. Pattnaik, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
24.11.2022

Order No.

03.

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.85 of 2022, pending in the file of learned Sessions Judge-cum-Special Judge, Koraput in the District of Koraput, arising out of Jeypore/Koraput No.16 of 2022, for commission of alleged offences under Sections 20(b)(ii)(B)/25 of NDPS Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge-cum-Spl. Judge, Koraput by order dated 05.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel that the petitioner is in custody since 22.08.2022 and as final form has already been submitted on 17.09.2022 and the contraband seized being to the

tune of 4kgs which is admittedly less than commercial quantity, further continuance of the petitioner in custody is not warranted.

6. The photo start copy of the final form as submitted by the learned counsel for the petitioner is taken on record.

7. Learned counsel for the State opposes the prayer for bail, inter alia, on the ground that since the petitioner does not reside within the jurisdiction of the Court in seisin, trial would be affected.

8. Considering the period of custody and the contraband seized being less than commercial quantity, this Court directs the petitioner to be released on bail.

9. Terms to be fixed by the learned Court in seisin over the matter, keeping in mind that the petitioner does not reside within the territorial jurisdiction of the Court in seisin so as to ensure his presence on each date of trial.

10. While enlarging the petitioner on bail the learned court below shall verify assertion regarding his criminal proclivity. If it comes to the fore that the petitioner has any criminal antecedent of similar nature, this order shall stand recalled without any further reference to this Court.

11. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge