

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

**BLAPL No.8987 of 2022**

***Nila Behera***

....

***Petitioner***

Mr. M.R. Patra, Advocate

*-versus-*

***State of Odisha***

....

***Opposite Party***

Mr. Karunakar Gaya, ASC

**CORAM: JUSTICE V. NARASINGH**

**ORDER**  
**27.09.2022**

**Order No.**

**01.**

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 2(a) CC No.03 of 2022, pending in the file of learned Addl. Sessions Judge, Titilagarh, arising out of Excise P.R. No.22 of 2022-23, offence under Sections 20(b)(ii)(B) of NDPS Act and is in custody since 23.07.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned A.S.J.-cum-Special Judge, Titilagarh by order dated 27.07.2022 in the aforementioned case, the present BLAPL has been filed.
5. Perused the order of rejection.
6. Since the seizure of the contraband (ganja) to the tune of 2.200 Kgs. is admittedly less than the commercial quantity as prescribed, this Court directs the Petitioner to be released on bail on such terms to be fixed by the Court in seisin over the matter.

7. 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 this order shall stands recalled.
8. Accordingly, the BLAPL stands disposed of.
9. Urgent certified copy of this order be granted as per rule.

**(V. NARASINGH)**  
**Judge**

*Santoshi*

