

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9225 of 2022

Hara Prasad Noriya

....

Petitioner

Ms. D. Nanda, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

05.12.2022

Order No.

04.

1. Heard learned counsel for the petitioner and learned counsel for the State.

2. The petitioner is an accused in 2(a) C.C. Case No.19 of 2022, pending in the file of learned Special Judge, Jharsuguda, arising out of Jharsuguda Range Excise P.R. No.33 of 2022-23, for commission of alleged offences under Sections 20(b)(ii)(B) of the NDPS Act.

3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Special Judge, Jharsuguda by order dated 26.08.2022 in the aforementioned case, the present BLAPL has been filed.

4. It is submitted by the learned counsel that the petitioner is in custody since 16.07.2022 and as final P.R has already been submitted on 10.11.2022 and the contraband (ganja) seized being to the tune of 12 kgs which is admittedly less than commercial

quantity, further continuance of the petitioner in custody is not warranted.

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

6. Considering the period of custody and the contraband seized being less than commercial quantity, 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. 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.

8. Accordingly, the BLAPL stand disposed of.

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

(V. NARASINGH)
Judge

Santoshi