

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9337 of 2022

Sarbeswar Pradhan

....

Petitioner

Mr. J. Sahoo, 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.78 of 2022, pending in the file of learned 1st Additional Sessions Judge-cum-Special Judge under NDPS Act, Khurda, arising out of P.R. Case No.40 of 2022-23, for commission of alleged offences under Sections 21(b) of the NDPS Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned 1st Additional Sessions Judge-cum-Special Judge under NDPS Act, Khurda by order dated 02.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. Perused the order of rejection.
6. It is submitted by the learned counsel that the petitioner is in custody since 27.08.2022 and as final P.R. has been submitted on

22.10.2022 and the contraband (heroin) seized being to the tune of 25gms which is admittedly less than commercial quantity, further continuance of the petitioner in custody is not warranted,

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

8. Taking into account the quantity of contraband seized which is less than commercial quantity and keeping in view the period of custody, 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.

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

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi