

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9494 of 2022

SK. Surajuddin @ Surajuden ***Petitioner***

Mr. P.K. Pradhan, Advocate

-versus-

State of Odisha ***Opposite Party***

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

22.11.2022

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 T.R. Case No.363 of 2022, pending in the file of learned District and Sessions Judge Khorda, Bhubaneswar, arising out of Badagada P.S. Case No.317 of 2022, for commission of alleged offences under Sections 21(b)/25/29 of the NDPS Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned District and Sessions Judge, Khurda At-Bhubaneswar by order dated 16.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by learned counsel for the petitioner, on instruction, that charge sheet has been filed on 14.11.2022 and petitioner is in custody since 14.09.2022 and also submits that no contraband has been seized from the possession of the petitioner. Hence, further continuance of the petitioner in custody is not warranted.

6. Learned counsel for the opposer prays for bail.
7. Taking into account the filing of charge sheet and period of custody and no contraband was seized from the petitioner, as submitted, 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.
8. 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 criminal antecedent of any nature, this order shall stand recalled without any further reference to this Court.
9. Accordingly, the BLAPL stands disposed of.
10. Urgent certified copy of this order be granted as per rules.

(V. NARASINGH)
Judge

Santoshi