

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9501 of 2022

Sanjay Kumar Khatua

....

Petitioner

Mr. S.R. Mohapatra, 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.358 of 2022, pending in the file of learned Sessions Judge, Khurda at Bhubaneswar, arising out of Sahid Nagar P.S. Case No.437 of 2022, for commission of alleged offences under Sections 21(b) of the NDPS Act and is in custody since 14.09.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned District & Sessions Judge, Khurda at Bhubaneswar by order dated 16.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. Learned counsel for the petitioner on instructions submits that charge sheet has already been filed and as the petitioner is in custody since 14.09.2022, further continuance of the petitioner in custody is not warranted.
6. It is further submitted that the total quantity of contraband (Brown Sugar) seized is to the tune of 25 gms which is less than the

commercial quantity and it is submitted with vehemence that the quantity of seized from the petitioner is to the tune of 5 gms.

7. Learned counsel for the State opposes the prayer for bail basing on individual seizure and states that such defence is not open to be advanced at this stage.

8. Considering the contraband seized being less than commercial quantity and filing of charge sheet as stated, 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. So far as antecedence which has been reflected in the order of rejection, learned counsel for the petitioner submits that the same is not of similar nature.

10. Be that as it may be. Taking into account his criminal proclivity, this Court directs that the petitioner to appear before the jurisdictional police stations once every week till conclusion of trial.

11. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge