

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9528 of 2022

Dilua @ Dillip Kumar Baral

Petitioner

Mr. S.R. Mohapatra, Advocate

-versus-

State of Odisha

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

15.11.2022

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 the accused in connection with T.R Case No.236 of 2022, pending on the file of learned 3rd Addl. Sessions Judge, Bhubaneswar, arising out of Nayapalli P.S. Case No.400 of 2022 for the alleged commission of offence under Section 21(b)/29 of the N.D.P.S. Act.
4. Being aggrieved by the rejection of their application for bail U/s. 439 Cr.P.C. by the learned 3rd Addl. Sessions Judge, Bhubaneswar by order dated 17.09.2022, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the Petitioner that the Petitioner is in custody since 17.06.2022 and since the charge sheet has been filed on 14.08.2022 and the release of the co-accused

who is none other than the wife of the Petitioner from whom the contraband (brown sugar) to the tune of 6.6. grams was seized, further continuance of the Petitioner in custody is not warranted.

6. Per contra, learned counsel for the State submits that the Petitioner is an accused in Nayapalli P.S. Case No.340 of 2019 for commission of offence under Section 21(b)(ii)(B) of the N.D.P.S. Act and Nayapalli P.S. Case No.375 of 2021 for commission of offence under Section 21(b)/29 of the N.D.P.S. Act.

7. In view of the criminal antecedent of similar nature, this Court is not inclined to entertain the bail application of the Petitioner.

8. Accordingly, the BLAPL stands rejected.

(V. NARASINGH)
Judge

PKS

