

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9629 of 2022

Raj Kumar Bindhani

....

Petitioner

Mr. K.K. Panigrahi, Advocate

-versus-

State of Odisha

....

Opposite Party

Ms. S. Pattnaik, AGA

CORAM: JUSTICE V. NARASINGH

ORDER

09.12.2022

Order No.

03.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. The petitioner is an accused in T.R. Case No.87 of 2022, pending in the file of learned Special Judge, Puri, arising out of Puri G.R.P.S. Case No.61 of 2022, for commission of alleged offences under Sections 20(b)(ii)C of NDPS Act and is in custody since 02.06.2022.
3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Special Judge, Puri by order dated 19.09.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted that the petitioner is in custody since 02.06.2022 and as charge sheet has already been filed on 07.09.2022, his further continuance in custody is not warranted.
5. Learned counsel for the State opposes the prayer for bail referring to the bar contained in Section 37 of the NDPS Act.

6. Taking into account the manner of seizure and the petitioner is stated to be the first offender, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin.

7. While enlarging the petitioner on bail, the learned court below shall verify assertion regarding criminal antecedent of the petitioner. If it comes to the fore that the petitioner has **criminal antecedent of any nature**, this order shall stand recalled.

8. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi

