

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9674 of 2022

Simadri @ C.H. Barun Rao ***Petitioner***
Mr. S.K. Lenka, Advocate
-versus-

State of Odisha ***Opposite Party***
Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
24.11.2022

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.359 of 2022, pending on the file of learned Sessions Judge-cum-Special Judge, Bhubaneswar, arising out of Kharvelnagar P.S. Case No.300 of 2022 for commission of offence under Section 21(b) of the NDPS Act and is in custody since 14.09.2021.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge, Khurda at Bhubaneswar by order dated 22.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. Learned counsel for the Petitioner on the basis of recitals in the FIR submits that only Rs.450/- was seized from the possession of the Petitioner and contraband (Heroin) to the tune of 6.06 grams was seized from the possession of Siba Prasad Sahoo.

6. It is submitted that prima face the Petitioner is not guilty of commission of any offence under the N.D.P.S Act.
7. Learned counsel for the State submits that during currency of investigation, the submission as advanced cannot be taken into account.
8. Even if the entire allegation of the prosecution is accepted at its face value, the contraband (Heroin) seized is to the tune of 6.06 grams which is admittedly less than the commercial quantity as prescribed and as because no contraband is seized from the possession of the Petitioner and keeping in view that he is the first offender, this Court directs the Petitioner to be released on bail on such terms to be fixed by the Court in seisin over the matter.
9. Additionally it is directed that the Petitioner shall appear before the I.O once every week till submission of final form.
10. While enlarging the Petitioner on bail, learned court below shall verify the assertion regarding his criminal proclivity of similar nature. If it comes to the fore that the Petitioner has any such criminal antecedent, this order shall stand recalled.
11. Accordingly, the BLAPL stands disposed of.
12. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge

PKS