

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9736 of 2022

Dharmendra Khatua

....

Petitioner

Mr. D.K. Sahoo, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

25.11.2022

Order No.

02.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
3. The petitioner is an accused in connection with T.R. Case No.134 of 2022, pending in the Court of learned District & Sessions Judge cum Special Judge, Kendrapara, arising out of Kendrapara Excise P.R. No.84 of 2022-23, for commission of offences under Section 21(b) of NDPS Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Special Judge, Kendrapara, by order dated 21.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel that the petitioner is in custody since 21.09.2022 and it is stated on instruction that final P.R. has been submitted on 24.11.2022.

6. It is further submitted that since the contraband seized is less than the commercial quantity i.e. 44gms of brown sugar and that the petitioner is the first offender, his further continuance in custody is unwarranted.

7. Learned counsel for the State opposes the prayer for bail.

8. Taking into account the quantity of contraband and the submission of final P.R., 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. While releasing 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 any criminal antecedent, this order shall stand recalled without any further reference to this Court.

10. Learned Court below shall also verify as to whether the final P.R. has been submitted on 24.11.2022 as submitted, if the same has not been submitted on the said date, this order shall stand recalled without any further reference to this Court.

11. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha