

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9756 of 2022

Sk Rahil

....

Petitioner

Mr. D.K. Sahu, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
28.11.2022

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.113 of 2022, pending before the learned District and Sessions Judge-cum-Special Judge, Kendrapara, arising out of Kendrapara Town P.S. Case No.136 of 2022, for alleged commission of offences under Sections 21(b)/29 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 23.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that the co-accused persons have already been released on bail by order dated 11.11.2022 in BLAPL No.7988 of 2022 and by order dated

24.11.2022 in BLAPL No.8576 of 2022. Hence, inter alia on the ground of parity, the petitioner seeks release.

6. Learned counsel for the State opposes the prayer for bail on the ground that the petitioner has two criminal antecedents of similar nature.

7. It is submitted by the learned counsel for the petitioner that since the contraband seized is less than the commercial quantity i.e. to the tune of 9.57gms of brown sugar, the rigors of Section 37 of the NDPS Act is not attracted.

8. Considering the same, 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. Keeping in view the criminal proclivity of the petitioner, it is directed that the petitioner shall appear before the jurisdictional police station once every week on such date and time to be fixed by the learned Court in seisin over the matter till conclusion of trial.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha