

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9762 of 2022

Ananda Das @ Guria

....

Petitioner

Mr. S. Harichandan, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar 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 counsel for the State.
3. The petitioner is an accused in 2(a) CC Case No.76 of 2022, pending on the file of learned Sessions Judge-cum-Special Judge, Cuttack, arising out of Cuttack-I, Excise Station P.R. Case No.86 of 2022-23, for commission of alleged offences under Section 21(b) of the NDPS Act and is in custody since 24.09.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge-cum-Special Judge, Cuttack by order dated 27.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. Learned counsel for the petitioner on instruction, submits that charge sheet has already been filed on 22.11.2022 and petitioner is in custody since 24.09.2022 and quantity of contraband (brown sugar) seized is to the tune of 25 gms which is less than

commercial quantity as prescribed, further continuance of the petitioner in custody is not warranted.

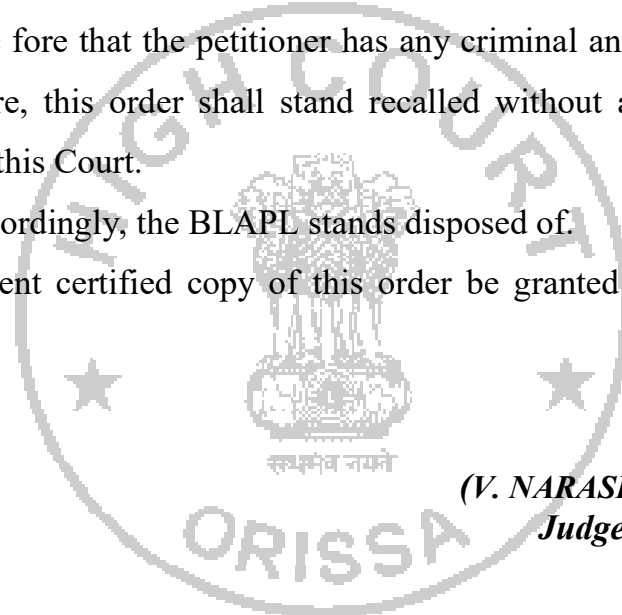
6. Learned counsel for the State opposes the prayer for bail.

7. Considering the quantity of brown sugar as stated and taking into account the filing of charge sheet and period of custody, 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.

8. While enlarging the petitioner on bail the learned court below shall verify assertion regarding his criminal proclivity. If it comes to the fore that the petitioner has any criminal antecedent of similar nature, this order shall stand recalled without any further reference to this Court.

9. Accordingly, the BLAPL stands disposed of.

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



Santoshi