

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9784 of 2022

Arnapurna Behera @ Pana

Petitioner

Mr. A.S. Paul, 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 T.R Case No.363 of 2022, pending on the file of learned Sessions Judge, Khurda at Bhubaneswar, arising out of Badagada P.S. Case No.317 of 2022, for commission of alleged offences under Section 21(b)/25/29 of NDPS Act and is in custody since 14.09.2022.
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 16.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is stated that the contraband (Brown Sugar) seized is to the tune of 60 gms and the actual seizure from the petitioner is to the tune of 40gms. Hence, admittedly the same being less than

commercial quantity and the petitioner is the first offender, further continuance of the petitioner in custody is not warranted.

6. The petitioner also relies on the orders passed by this Court dated 22.11.2022 in respect of co-accused Sk. Surajuddin @ Surajuden in BLAPL No.9494 of 2022 and Hena Majhi @ Heena Majhi in BLAPL No.9493 of 2022 and seeks release.

7. Considering the filing of charge sheet on 14.11.2022 and taking into account the quantity of contraband seized and release of the co-accused, 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 criminal antecedent of any nature this order shall stand recalled.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi