

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9790 of 2022

Chikun Sahoo @ Gudu Sahoo

Petitioner

Mr. R.R. Ray, Advocate

-versus-

State of Odisha

Opposite Party

Mr. P.K. Maharaj, 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.87 of 2022, pending on the file of learned 1st Additional Sessions Judge cum Special Judge under the NDPS Act, Khorda, arising out of Khordha Model P.S. Case No.457 of 2022, for commission of alleged offences under Section 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 1st Additional Sessions Judge-cum-Spl. Judge under NDPS Act by order dated 26.09.2022 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 20.09.2022 and as charge sheet has already been

filed on 20.11.2022, further continuance of the petitioner in custody is not warranted.

6. It is submitted that admittedly the contraband (Brown Sugar) seized is to the tune of 51 gms which is less than commercial quantity. And, it is submitted with vehemence that though there has been individual seizures just to inflate the quantity, the same has been clubbed and it is further submitted that the petitioner is the first offender.

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

8. Considering the allegations and that the contraband is less than commercial quantity, 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 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.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge