

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9802 of 2022

***Sandip Agrawal @ Sandeep
Agarwal***

....

Petitioner

Mr. S.K. Pradhan, 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 2(a)CC No.71 of 2022 (N), pending on the file of learned Additional District and Sessions Judge, LR & LTV, Berhampur, arising out of P.R. Case No.353 of 2022-23 of Inspector of Excise, EI & EB Unit-II (SD), Berhampur, for commission of alleged offences under Section 21(b) of the NDPS Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional District and Sessions Judge, LR & LTV, Berhampur by order dated 06.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. In spite of order dated 26.10.2022, learned counsel for the State is not able to produce the Case Diary.

6. Learned counsel for the petitioner submits that it is on record that the petitioner was taken into custody on 06.07.2022 and in the meanwhile final P.R. has been submitted on 05.08.2022 and the contraband seized is to the tune of 112 gms of Brown Sugar which is less than commercial quantity. Hence, it is stated that further continuance of the petitioner in custody, is not warranted.

7. Considering the submission of final form and that the seized 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.

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 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.

(V. NARASINGH)
Judge