

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9927 of 2022

Debendra Prusty

....

Petitioner

Mr. A.K. Sahoo, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
27.10.2022

Order No.

01.

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.140 of 2022, pending in the file of learned Sessions Judge-cum-Special Judge, Kendrapara, arising out of Aul Excise Station P.R. Case No.43 of 2022, offence under Sections 20(b)(ii)(B) of the N.D.P.S. Act and is in custody since 29.09.2022.
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 29.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. Perused the order of rejection.
6. Since the seizure of the contraband (ganja) to the tune of 3.5 Kgs is admittedly less than the commercial quantity as

prescribed, this Court directs the petitioner to be released on bail on such terms to be fixed by the Court in seisin over the matter.

7. 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 this order shall stand recalled.

8. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi

