

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No10028 of 2022

Ananta Dash

....

Petitioner

Mr. S. Mitra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. S.S. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
30.11.2022

Order No.

02.

1. Heard learned counsel for the Petitioner and learned counsel for the State.
2. The Petitioner is an accused in 2(a)CC Case No.55 of 2022, pending on the file of learned Sessions Judge-cum-Special Judge, Cuttack, arising out of P.R. Case No.60 of 2022, for commission of the offence under Section 21(B) of the NDPC Act and is in custody since 12.08.2022.
3. 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 29.09.2022 in the aforementioned case, the present BLAPL has been filed.
4. Learned counsel for the Petitioner submits that the contraband seized (Heroin) is to the tune of 28 grams, which is less than the commercial quantity. It is submitted that the Petitioner is the first offender and as charge sheet has been filed since 10.10.2022, his further continuance in custody is not warranted.

5. Considering such submission, this Court directs release of the Petitioner on bail. Terms to be fixed by the learned Court in seisin.

6. Learned Court in seisin over the matter shall verify the criminal antecedent of similar nature. If it comes to the fore that the Petitioner has such criminal antecedent, this order shall stand recalled.

7. Accordingly, the BLAPL stands disposed of.

8. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge

PKS

