

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10030 of 2022

Siba Prasad Sahoo

....

Petitioner

Mr. S. Panda, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

08.12.2022

Order No.

02.

1. Heard learned counsel for the Petitioner and learned counsel for the State.

2. The Petitioner is an accused in T.R. Case No.359 of 2022, pending on the file of learned Sessions Judge, Khurda at Bhubaneswar, arising out of Kharvelnagar P.S. Case No.300 of 2022 for commission of offence under Section 021(b) of the NDPS Act.

3. 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 26.09.2022 in the aforementioned case, the present BLAPL has been filed.

4. Learned counsel for the Petitioner submits that the Petitioner is in custody since 14.09.2022 and as charge sheet has already been filed on 12.11.2022, his further continuance in custody is not warranted.

5. He further submits that the contraband seized (brown sugar) is to the tune of 5.60 grams, which is less than the

commercial quantity. It is submitted that the co-accused has already been released on bail by order 24.11.2022 in BLAPL No.9674 of 2022. Hence, on the ground of parity, he seeks release on bail.

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

7. Taking into account the period of custody, filing of the charge sheet and that the co-accused has already been released on bail, this Court directs release of the Petitioner on bail. Terms to be fixed by the learned Court in seisin.

8. Learned Court in seisin over the matter shall verify the criminal antecedent of similar nature. If the Petitioner has such criminal antecedent, this order shall stand recalled without further reference to the Bench.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

PKS