

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10129 of 2022

Kanu Das @ Kanhu Das ***Petitioner***

Mr. B.K. Raj, Advocate

-versus-

State of Odisha ***Opposite Party***

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
02.11.2022

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.392 of 2022, pending in the file of Sessions Judge, Khurda at Bhubaneswar, arising out of Balipatna P.S Case No.242 of 2022, for commission of the alleged offence under Section 21(b)(ii)(B) of the NDPS Act and is in custody since 19.09.2022.
4. 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 30.09.2022 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 1 Kg. 400 Grams 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, learned court below shall verify assertion regarding his criminal proclivity. If it comes to the fore that the Petitioner has any criminal antecedent of similar nature, this order shall stand recalled.

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

9. Accordingly, the BLAPL stands disposed of.

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

PKS

