

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10158 of 2022

Mahammad Altab @ MD. Altab

Petitioner

Mr. S.K. Jena, Advocate

-versus-

State of Orissa

Opposite Party

Mr. M. Mishra, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
06.12.2022

Order No.

02.

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

2. The petitioner is an accused in connection with C.T. Special Case No.62 of 2022, pending in the Court of learned District & Sessions Judge-cum- Judge Special Court, Bargarh, arising out of Attabira P.S. Case No.299 of 2022, for alleged commission of offences under Sections 21(b)/25 & 29 of NDPS Act.

3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge, Bargarh, by order dated 05.09.2022 in the aforementioned case, the present BLAPL has been filed.

4. It is submitted by the learned counsel that the petitioner is in custody since 29.08.2022 and since charge-sheet has been filed on 25.10.2022 for being in possession of contraband to the tune of

109.5gms (brown sugar), which is admittedly less than the commercial quantity, his further continuance in custody is unwarranted.

5. Learned counsel for the State opposes the prayer for bail inter alia on the ground that because of the rampant increase in offences relating to brown sugar, the petitioner ought not to be released on bail.

6. Learned counsel for the petitioner submits that prima facie the seizure was from the co-accused, who was been referred to as the first pillion rider and admittedly the petitioner is the second pillion rider, as such there is no recovery from him.

7. Considering the filing of charge-sheet and the nature of allegations, this Court directs the petitioner to be released on bail on such terms to be fixed by the Court in seisin over the matter.

8. Keeping in view the criminal proclivity of the petitioner, he being an accused though not of offences of similar nature, this Court directs suitable terms to be fixed by the learned Court in seisin so as to ensure his presence on each date of trial.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha