

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10171 of 2022

Hemanta Kumar Swain

....

Petitioner

Mr. A.N. Pattanayak, Advocate

-versus-

State of Odisha

....

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 T.R. Case No.85 of 2022, pending in the file of learned 1st Additional Sessions Judge-cum-Special Judge, under NDPS Act, Khurda, arising out of Khurda P.S. Case No.435 of 2022, for commission of alleged offences under Sections 21(b)/29 of the NDPS Act.
3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned 1st Additional Sessions Judge-cum-Special Judge under NDPS Act, Khurda by order dated 22.09.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted by the learned counsel for the petitioner that petitioner is in custody since 12.09.2022 and charge sheet has already been filed on 11.11.2022 and the contraband (brown sugar) seized being to the tune of 10 grams which is admittedly less than

commercial quantity, further continuance of the petitioner in custody is not warranted.

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

6. Taking into account the contraband seized being less than commercial quantity and considering the period of custody and filing of charge sheet, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned 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 of similar nature, this order shall stand recalled without any further reference to this Court.

8. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi