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IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10216 of 2022

Jadu Behera

....

Petitioner

Mr. C. Rout, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
07.12.2022

Order No.

02. 1. Heard learned counsel for the Petitioner and learned counsel for the State.
2. The Petitioner is an accused in C.T. (Special) N.D.P.S Case No.06 of 2022, pending on the file of learned Addl. Special Judge, Talcher, arising out of Talcher P.S. Case No.415 of 2022 for commission of the offence under Section 21(b) of the N.D.P.S Act.
3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Addl. Special Judge, Talcher by order dated 11.10.2022 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 10.10.2022 for allegedly possessing contraband to the tune of 34 grams 55 mg. of brown sugar.
5. It is submitted that admittedly the same is less than the commercial quantity as prescribed and since charge sheet has been submitted on 09.08.2022 showing him as an absconder, his further continuance in custody is unwarranted.

6. Learned counsel for the State opposes the prayer for bail.
7. Considering the nature of accusation 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.
8. While releasing the Petitioner on bail, learned Court below shall verify assertion regarding criminal antecedent of similar nature. If the Petitioner has such 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 the rules.

(V. NARASINGH)
Judge

PKS

