

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10307 of 2022

Papu Nayak

....

Petitioner

Mr. A.S. Paul, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Mayaraj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

14.12.2022

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.302 of 2022, pending on the file of learned Sessions Judge, Khurda at Bhubaneswar, arising out of P.R No.203 of 2022-23, for commission of the alleged offence under Section 21(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 24.08.2022 in the aforementioned case, the present BLAPL has been filed.
4. Learned counsel for the Petitioner submits that the Petitioner is in custody since 04.08.2022 and since final P.R. has been filed on 03.10.2022, his further continuance in custody is unwarranted.

5. Learned counsel for the State opposes the prayer.
6. Considering that the contraband seized (heroin) is to the tune of 112 grams, which is less than the commercial quantity, as prescribed and filing of the final P.R., 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. Learned counsel for the Petitioner submits that he is not in a position to apprise this Court about the criminal antecedent of the Petitioner.
8. While releasing the Petitioner on bail, learned Court below shall verify assertion regarding **criminal antecedent of similar nature**. If the Petitioner has any such criminal antecedent, this order shall stand recalled.
9. The BLAPL thus stands disposed of.
10. Urgent certified copy of this order be granted as per rules.

PKS

(V. NARASINGH)
Judge