

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10343 of 2022

R. Debraj @ Kalia & another

Petitioners

Mr. D. Routray, Advocate

-versus-

State of Odisha

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

13.12.2022

Order No.

02.

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

2. The Petitioners are accused in connection with T.R Case No.90 of 2022, pending in the Court of the learned 1st Additional Sessions Judge-cum-Special Judge, Khurda, arising out of Khordha Sadar P.S. Case No.188 of 2022, for alleged commission of offences under Sections 21(b)/29 of the N.D.P.S. Act.

3. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned Special Judge under NDPS Act, Khurda, by order dated 30.09.2022 in the aforementioned case, the present BLAPL has been filed.

4. Learned counsel for the Petitioners submits that the contraband seized (brown sugar) is to the tune of 15 grams, which is less than the commercial quantity. It is submitted that the Petitioners are in custody since 29.09.2022 and charge sheet has

been filed since 24.11.2022. Relying on the release of the co-accused, namely, Dasarathi Mahala @ Anama by this Court in BLAPL No.9860 of 2022, he seeks release of the Petitioners on bail on the ground of parity.

5. Learned counsel for the State opposes the prayer.

6. Taking into account the release of the co-accused and the filing of the charge sheet and the period of custody, this Court directs the Petitioners to be released on bail on such terms to be fixed by the learned Court in seisin over the matter.

7. Learned counsel for the Petitioners submits that he is not in a position to apprise this Court about the criminal antecedent of the Petitioners.

8. While releasing the Petitioners on bail, learned Court below shall verify assertion regarding **criminal antecedent of similar nature**. If the Petitioners have such antecedent, this order shall stand recalled without further reference to the Bench.

9. The BLAPL thus stands disposed of.

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

(V. NARASINGH)
Judge

PKS