

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10382 of 2022

Ugula @ Rakesh Kumar Singh

Petitioner

Mr. A.S. Paul, Advocate

-versus-

State of Odisha

Opposite Party

Mr. P.K. Maharaj, 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 connection with T.R. Case No.401 of 2022, pending in the Court of the learned District & Sessions Judge, Khurda at Bhubaneswar, arising out of Khandagiri P.S. Case No.484 of 2022, for alleged commission of offences under Section 21(b) 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, Khurda at Bhubaneswar, by order dated 26.09.2022 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 20.09.2022 and charge-sheet has been filed on 19.11.2022 and individual seizure from the two accused persons, have been clubbed together so as to show the contraband as 100gms (Brown Sugar).

5. It is submitted, relying on the seizure list, which is on record that 30gms of brown sugar was seized from the present petitioner. Even otherwise, learned counsel for the petitioner submits that even if the entire case of the prosecution is accepted at its face value, the total contraband seized being less than the commercial quantity. As charge-sheet is already been filed and the petitioner is the first offender, hence, he may be released on bail.

6. Considering the same, 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 releasing the petitioner on bail, the learned Court below shall verify assertion regarding criminal antecedent of similar nature. If it comes to the fore that the petitioner has such criminal antecedent, this order shall stand recalled.

8. Accordingly, the BLAPL stands disposed of.

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

Ayesha

(V. NARASINGH)
Judge