

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10408 of 2022

Rakesh Nayak

....

Petitioner

Mr. A.S. Paul, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, 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.80 of 2022, pending in the Court of the learned 1st Additional Sessions Judge -cum- Special Judge under NDPS Act, Khordha, arising out of Sub-Inspector of Excise, District Mobile Unit, Khordha P.R. No.63 of 2022-23, 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 Special Judge under NDPS Act, Khurda, by order dated 15.09.2022 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 04.09.2022 and on instruction, it is submitted that final P.R. has been submitted on 06.11.2022 and taking into account the contraband seized is to the tune of 29gms of brown sugar, which

is admittedly less than the commercial quantity, he may be released on bail.

5. Taking into account the submission of final form, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin.

6. Learned counsel for the petitioner is not in a position to apprise this Court regarding the criminal antecedent of the petitioner. Learned Court in seisin is called upon to verify the same. If it comes to the fore that the petitioner **has criminal antecedent of similar nature**, this order shall stand recalled.

7. Further, the learned Court in seisin is called upon to verify as to whether the charge-sheet was submitted on 06.11.2022 as stated. If it comes to the fore that charge-sheet has not been submitted on the stated date, 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