

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10455 of 2022

Tapas Dhali

....

Petitioner

Mr. A. Mishra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

15.12.2022

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.390 of 2022 pending on the file of learned Sessions Judge-cum-Special Judge, Khurda at Bhubaneswar, arising out of Bharatpur P.S. Case No.378 of 2022, for commission of the offence under Section 20(1)(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 Sessions Judge, Khurda at Bhubaneswar, by order dated 30.09.2022 in the aforementioned case, the present BLAPL has been filed.
4. Learned counsel for the Petitioner submits that the contraband seized (brown sugar) is to the tune of 21 grams, which is less than the commercial quantity. It is submitted that the Petitioner is in custody since 17.09.2022 and as charge sheet has

been filed since 16.11.2022, his further continuance in custody is not warranted

5. Learned counsel for the State opposes the prayer for bail.

6. 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.

7. Since the Petitioner is not the resident of Orissa, additionally it is directed that one of the family members of the Petitioner shall execute the P.R bond.

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

9. 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.

10. The BLAPL thus stands disposed of.

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

(V. NARASINGH)
Judge

PKS