

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10460 of 2022

Karan Kumar Biswal

....

Petitioner

Mr. P.K. 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.139 of 2022, pending on the file of learned Special Judge, Kendrapara, arising out of P.R. No.29 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 Special Judge, Kendrapara by order dated 11.10.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted by the learned counsel that contraband (heroin) is to the tune of 28 grms., which is admittedly less than the commercial quantity.
5. He further submits that the Petitioner is in custody since 28.09.2022 and as final P.R. has been filed since 22.11.2022, his further continuance in custody is not warranted. The final P.R filed in Court be kept on record.

6. Learned counsel for the State opposes the prayer for bail.
7. Taking into account the period of custody 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.
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

