

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10462 of 2022

Rajeswar Jena

....

Petitioner

Mr. K.P. Dash, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

15.11.2022

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner is an accused in T.R. Case No.79 of 2022, pending in the file of learned Additional Sessions Judge-cum-Special Judge under NDPS Act, Khordha, arising out of Inspector of Excise Tangi Range P.R. Case No.41 of 2022, for commission of alleged offences under Sections 20(b)(ii)(B) of NDPS Act and is in custody since 29.08.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned 1st Additional Sessions Judge-cum-Special Judge, under NDPS Act, Khordha by order dated 03.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. Perused the order of rejection.
6. Since the seizure of the contraband (ganja) to the tune of 16 Kgs is admittedly less than the commercial quantity as

prescribed, this Court directs the petitioner to be released on bail on such terms to be fixed by the Court in seisin over the matter.

7. While enlarging the petitioner on bail the learned court below shall verify assertion regarding criminal antecedent of the petitioner of similar nature. If it comes to the fore that the petitioner has any 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.

(V. NARASINGH)
Judge



Santoshi