

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10486 of 2022

***Abhijit Mishra @ Bity &
Another***

....

Petitioners

Mr. J. Behera, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

**ORDER
16.11.2022**

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioners and learned counsel for the State.
3. The petitioners are accused in connection with Spl. G.R. Case No.89 of 2022, pending before the Court of the learned Sessions Judge-cum-Special Judge, Nayagarh, arising out of Nayagarh P.S. Case No.111 of 2022, for alleged commission of offences under Sections 21(b)/29 of the NDPS Act.
4. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned Special Judge, Nayagarh, by order dated 13.10.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioners that the petitioners are in custody since 22.07.2022 and since charge-sheet has already been filed on 31.08.2022, further

continuance of the petitioners in custody is unwarranted, keeping in view that the contraband (brown sugar) seized is to the tune of 8.130gms, which is less than the commercial quantity.

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

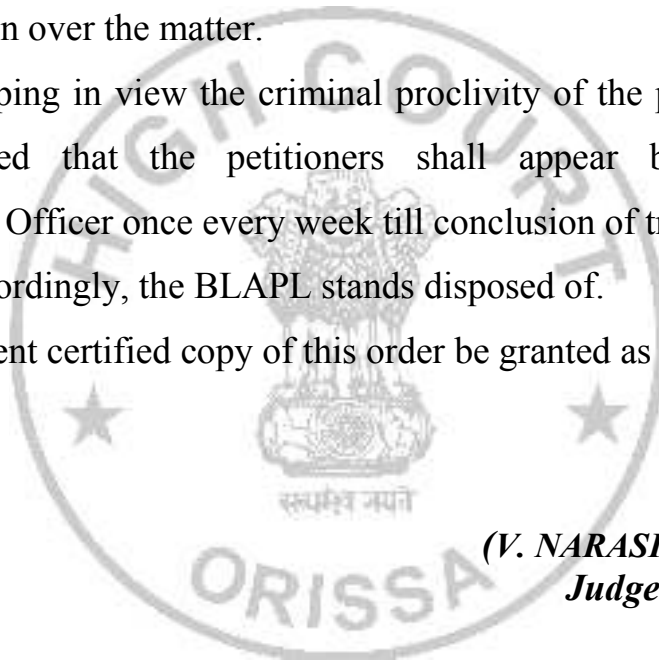
7. It is fairly stated by the learned counsel for the petitioners that the petitioners have criminal antecedent though not of similar nature.

8. Considering filing of charge-sheet, this Court directs the petitioners to be released on bail on such terms to be fixed by the Court in seisin over the matter.

9. Keeping in view the criminal proclivity of the petitioners, it is directed that the petitioners shall appear before the Investigating Officer once every week till conclusion of trial.

10. Accordingly, the BLAPL stands disposed of.

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



(V. NARASINGH)
Judge

Ayesha