

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10603 of 2022

Amaresh Dash

....

Petitioner

Mr. A.K. Mishra , Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. S. Patra, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
19.12.2022

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.433 of 2022, pending in the Court of the learned District and Sessions Judge, Khordha at Bhubaneswar, arising out of Pahala P.S. Case No.182 of 2022, for commission of alleged offences under Sections 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 District and Sessions Judge, Khurda at, Bhubaneswar, by order dated 11.10.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted that the petitioner is in custody since 02.10.2022 inter alia on the ground of possessing the contraband to the tune of 27 grams (Brown Sugar). It is a specific case of the petitioner that the seizure was from the co-accused and as charge sheet has already been filed on 13.11.2022, his further continuance in custody is not warranted.

5. Copy of the final form is taken on record.
6. Taking into account that the contraband seized admittedly less than commercial quantity and considering the period of custody, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin.
7. Learned counsel for the petitioner submits that he is not in a position to apprise this Court about the criminal antecedent of the petitioner.
8. While releasing the petitioner on bail, learned Court below shall verify assertion regarding the **criminal antecedent of similar nature**. If the petitioner has any such criminal antecedent, this order shall stand recalled.
9. Accordingly, the BLAPL stands disposed of.
10. Urgent certified copy of this order be granted as per rules.

(V. NARASINGH)
Judge

Santoshi