

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10665 of 2022

Kishore Sa

....

Petitioner

Mr. D.R. Nanda, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

22.11.2022

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the Petitioner and learned Additional Standing Counsel for the State.
3. The Petitioner is an accused in 2(a) C.C Case No.27 of 2022, pending on the file of learned Sessions Judge-cum-Special Judge, Jharsuguda arising out of Sambalpur P.R. Case No.435 of 2022-23, for alleged commission of offence under Section 20(b)(ii)(B) of the NDPS Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Special Judge, Jharsuguda by order dated 13.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the Petitioner that the Petitioner is in custody since 01.09.2022 and the contraband seized being less than commercial quantity and as the rigors of Section 37 of the NDPS Act does not come into play, further continuance of the Petitioner in custody is not warranted.

6. Learned counsel for the State opposes the prayer for bail, inter alia, on the ground that during the currency of investigation, Petitioner ought not to be released on bail.

7. Taking into account that the contraband seized is to the tune of 6 KG is admittedly less than the commercial quantity as prescribed and that Petitioner is the first offender as submitted by the learned counsel for the Petitioner, 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.

8. While enlarging the Petitioner on bail, learned court below shall verify assertion regarding his criminal proclivity of similar nature. If it comes to the fore that the Petitioner has 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

PKS