

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10718 of 2022

Pramod Jani

....

Petitioner

Mr. R.K. Das, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

23.11.2022

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 G.R. Case No.4092 of 2022, pending in the file of learned Additional Sessions Judge (LR & LTV), Sambalpur, arising out of Sambalpur Town P.S. Case No.392 of 2022, for commission of alleged offences under Sections 274/275/34 of IPC.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge (LR & LTV), Sambalpur by order dated 17.10.2022 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 10.10.2022 and the seizure of the contraband i.e. 300 nos. of unsealed WINCIREX cough Syrup bottles of 100 ml each were seized from the conscious and exclusive possession of the petitioner, which is admittedly less than

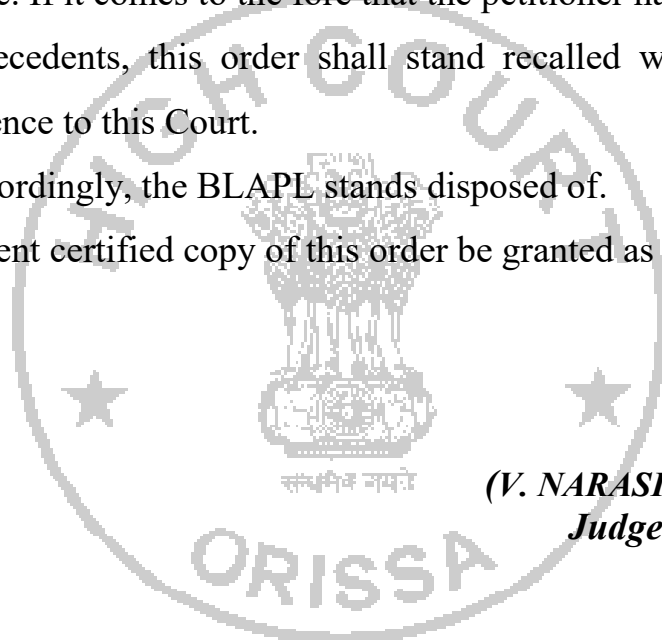
the commercial quantity as prescribed. Hence, further continuance of the petitioner in custody is not warranted.

6. Taking into account the quantity of contraband which is less than commercial quantity and that the petitioner is the first offender as stated, 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 keeping in view that he is aged about 19 years.

7. While enlarging the petitioner on bail, the learned court below shall verify assertion regarding his criminal antecedent of similar nature. If it comes to the fore that the petitioner has any such criminal antecedents, this order shall stand recalled without any further reference to this Court.

8. Accordingly, the BLAPL stands disposed of.

9. Urgent certified copy of this order be granted as per rules.



(V. NARASINGH)
Judge