

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10802 of 2022

SK. Niaz

....

Petitioner

Mr. S. Dwibedi, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

09.12.2022

Order No.

02.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. The petitioner is an accused in G.R. Case No.83 of 2022, pending in the file of learned Special Judge, Mayurbhanj, Baripada, arising out of Baisinga P.S. Case No.300 of 2022, for commission of alleged offences under Sections 21(b) of the NDPS Act and is in custody since 04.10.2022.
3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Special Judge, Mayurbhanj, Baripada by order dated 18.10.2022 in the aforementioned case, the present BLAPL has been filed.
4. Admittedly since the quantity of the contraband (brown sugar) is to the tune of 14 grams 760 miligrams, which is less than the commercial quantity as prescribed and keeping in view that the petitioner is in custody since 04.10.2022 and filing of charge sheet

on 03.12.2022, this Court directs the petitioner to be released on bail on such terms to be fixed by the Court in seisin.

5. While releasing the petitioner on bail, the learned Court in seisin over the matter shall verify assertion regarding the criminal antecedents of similar nature. If it comes to the fore that the petitioner has such criminal antecedent, this order shall stand recalled.

6. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge



Santoshi