

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10819 of 2022

Bipin Nayak

....

Petitioner

Mr. D. Mishra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

28.11.2022

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 T.R. Case No.420 of 2022, pending on the file of learned Sessions Judge, Khurda at Bhubaneswar, arising out of P.R. Case No.80 of 2022-23, for commission of alleged offences under Section 20(b)(ii)(B) of NDPS Act and is in custody since 24.09.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge, Khurda at Bhubaneswar by order dated 19.10.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel that the petitioner is in custody since 24.09.2022 and the contraband (ganja) seized being to the tune of 18.500 kgs which is admittedly less than

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

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

7. Considering the period of custody and the contraband (ganja) seized being less than commercial quantity, this Court directs the petitioner to be released on bail.

8. Additionally, it is directed that the petitioner shall appear before the Investigating Officer once every week on such date and time fixed by the learned Court in seisin till submission of final form.

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

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge