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IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10879 of 2022

Bijay Behera

....

Petitioner

Mr. A.K. Nayak, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
05.12.2022

Order No.

01. 1. Heard learned counsel for the Petitioner and learned counsel for the State.
2. The Petitioner is an accused in T.R. Case No.77 of 2022, pending on the file of learned 1st Addl. Sessions Judge-cum-Special Judge under NDPS Act, Khurda, arising out of Khordha P.R No.36 of 2022-23 for commission of the offence under Section 21(b) of the N.D.P.S Act.
3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Special Judge under NDPS Act, Khurda by order dated 27.10.2022 in the aforementioned case, the present BLAPL has been filed.
4. Since the seizure of the contraband (heroin) to the tune of 146 grams is admittedly less than the commercial quantity as prescribed and the final P.R. has been submitted as evidenced from the order of rejection, this Court directs the Petitioner to be released on bail on such terms to be fixed by the Court in seisin over the matter.

5. While releasing on bail, learned Court in seisin shall verify the criminal antecedent of similar nature. If the Petitioner has such criminal antecedent, this order shall stand recalled.
6. The BLAPL thus stands disposed of.
7. Urgent certified copy of this order be granted as per rules.

(V. NARASINGH)
Judge

PKS

