

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10912 of 2022

Sibu @ Sibananda Pradhan

Petitioner

Mr. A. Tripathy, Advocate

-versus-

State of Odisha

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

30.11.2022

Order No.

01.

1. Heard learned counsel for the petitioner and learned counsel for the State.

2. The petitioner is an accused in Special G.R. Case No.103 of 2022, pending in the file of learned Spl. Judge-cum-Sessions Judge, Nayagarh, arising out of Itamati P.S. Case No.180 of 2022, for commission of alleged offences under Sections 21(b) of NDPS Act and is in custody since 11.08.2022.

3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge-cum-Spl. Judge, Nayagarh by order dated 19.09.2022 in the aforementioned case, the present BLAPL has been filed.

4. Perused the order of rejection.

5. It is submitted by the learned counsel that the petitioner is in custody since 11.08.2022 and as charge sheet has already been filed on 30.09.2022 and the seizure of the contraband (brown sugar)

to the tune of 9 gms 500 miligrams is admittedly less than the commercial quantity as prescribed, further continuance of the petitioner in custody is not warranted.

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

7. Taking into account the quantity of contraband seized which is less than commercial quantity and period of custody and filing of charge sheet, 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 the learned court below shall verify assertion regarding criminal antecedent of the petitioner. If it comes to the fore that the petitioner has criminal antecedents of similar nature, this order shall stand recalled without any further reference to this Court.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge