

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10957 of 2022

Rohit Kumar Behera

....

Petitioner

Mr. R.K. Samantasinghar, Advocate

-versus-

State of Orissa

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

06.12.2022

Order No.

01.

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

2. The petitioner is an accused in connection with T.R. Case No.58 of 2022, pending in the Court of the learned 1st Additional Sessions Judge -cum- Special Judge under NDPS Act, Khordha, arising out of Khordha Sadar P.S. Case No.114 dated 27.06.2022, for alleged commission of offences under Sections 21(b)/29 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 1st Additional Sessions Judge-cum-Special Judge under NDPS Act, Khurda, by order dated 31.10.2022 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 10.75gms, which is less than the commercial quantity as prescribed and keeping in view that the petitioner is in

custody since 27.06.2022 and filing of charge-sheet on 24.08.2022, 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 the petitioner on bail, the learned Court in seisin over the matter shall verify assertion regarding 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 rule.

(V. NARASINGH)
Judge

Ayesha

