

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 11014 of 2022

Mahendra Sahoo

....

Petitioner

Mr. S. Mishra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

07.12.2022

Order No.

01.

1. Heard Mr. S. Mishra, learned counsel on behalf of Mr. S. Bahadur for the petitioner and learned counsel for the State.
2. The petitioner is an accused in 2(a) CC Case No.32 of 2022, pending in the file of learned District & Sessions Judge-cum-Special Judge, Jharsuguda, arising out of P.R. Case No.68 of 2022-23 of the Inspector of Excise, Belpahar Range, for commission of alleged offences under Sections 20(b)(ii)(B) of the NDPS Act and is in custody since 28.10.2022.
3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Special Judge, Jharsuguda by order dated 31.10.2022 in the aforementioned case, the present BLAPL has been filed.
4. Perused the order of rejection.
5. It is submitted by the learned counsel for the petitioner that petitioner is in custody since 28.10.2022 and the contraband (ganja) seized being to the tune of 1 kg 200 gms 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. Taking into account the contraband seized being less than commercial quantity and considering the period of custody, 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. Additionally, it is directed that the petitioner shall appear before the I.O. once every week on such date and time be 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 rules.

(V. NARASINGH)
Judge

Santoshi