

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 11186 of 2022

Srikanta Mahakud

....

Petitioner

Mr. P. Sahu, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

16.12.2022

Order No.

01.

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

2. The petitioner is an accused in Special Case (NDPS) No.41 of 2022, pending in the file of learned Sessions Judge-cum-Special Judge, Boudh, arising out of Boudh P.S. Case No.268 of 2022, for commission of alleged offences under Sections 20(b)(ii)(B) of the NDPS Act and is in custody since 22.09.2022.

3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge-cum-Special Judge, Boudh by order dated 19.10.2022 in the aforementioned case, the present BLAPL has been filed.

4. Perused the order of rejection.

5. It is submitted that the petitioner has been taken into custody on 22.09.2022 for allegedly posing contraband (ganja) to the tune of 3kg 100 gm. The learned counsel for the petitioner has placed on record seizure list which fortifies his submission.

6. Taking into account that the contraband (ganja) being less than the commercial quantity and the embargo under Section 37 of the NDPS Act ex-facie not attracted in the case at hand, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin.

7. It is submitted that the petitioner is the first offender. Before releasing, learned Court in seisin is called upon to verify the same. If it comes to the fore that petitioner has **any criminal antecedent**, this order shall stand recalled.

8. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi

