

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 11904 of 2022

Rakesh @ Happy Pattanaik

Petitioner

Mr. D. Panda , Advocate

-versus-

State of Odisha

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
21.12.2022

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.45 of 2022, pending in the Court of the learned 1st Additional Sessions Judge-cum,-Special Judge under NDPS Act at Khordha, arising out of Khordha Model P.S. Case No.220 of 2022 for commission of alleged offences under Sections 20(b)/29 of the NDPS 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 01.11.2022 in the aforementioned case, the present BLAPL has been filed.

4. It is submitted that this Court by order dated 02.09.2022 in BLAPL No.7004 of 2022 directed release of the petitioner, keeping in view the quantity of contraband (brown sugar) is less than commercial quantity and taking note of submission of the petitioner that he had no criminal proclivity.

5. Learned counsel for the petitioner submits that since proper instructions were not given, he could not bring to the notice of the Court that though the petitioner has criminal proclivity though not of similar nature and hence he seeks release.

6. In the meanwhile on being moved, the learned Court below keeping in view the order of this Court vis-à-vis criminal proclivity has rejected the bail application.

7. Taking note of the submission of the learned counsel for the petitioner and considering that the contraband seized is less than commercial quantity and the criminal proclivity as stated does not relate to offences of similar nature, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin, keeping in view the criminal proclivity of the petitioner though not of similar nature.

8. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi