

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11962 of 2022

Rahul Kumar Rout @ Jagan

Petitioner

Mr. A. Das, Advocate

-versus-

State of Odisha

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
20.12.2022

Order No.

01. 1. Heard learned counsel for the Petitioners and learned counsel for the State.
2. The Petitioner is an accused in C.T (Special) NDPS Case No.05 of 2022 pending on the file of learned Addl. Sessions Judge, Dhenkanal, arising out of Dhenkanal Town P.S. Case No.345 of 2022 for offences under Section 21(b) 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 Addl. Sessions Judge, Dhenkanal, by order dated 04.11.2022 in the aforementioned case, the present BLAPL has been filed.
4. Perused the order of rejection.
5. It is submitted that the petitioner is in custody since 09.06.2022 and charge sheet has been filed on 07.08.2022 and the contraband (brown Sugar) seized being to the tune of 15 grams 200

mgs which is admittedly less than commercial quantity. He further submits that the Petitioner is the similarly circumstanced with the co-accused who have been released on bail by order dated 08.12.2022 and 13.12.2022 in BLAPL No.6771 of 2022 and 8912 of 2022 respectively. Hence, further continuance of the Petitioner is not warranted.

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

7. Taking into account the filing of the charge sheet and release of the co-accused, 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. Learned counsel for the Petitioner submits that he is not in a position to apprise this Court about the criminal antecedent of the Petitioner.

9. While releasing the Petitioner on bail, learned Court below shall verify assertion regarding **criminal antecedent of similar nature**. If the Petitioner has any such criminal antecedent, this order shall stand recalled.

10. Accordingly, the BLAPL stands disposed of.

11. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge

PKS