

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11965 of 2022

Tapas Kar

....

Petitioner

Mr. P.K. Pradhan, 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 Petitioner and learned counsel for the State.
2. The Petitioner is an accused in 2(a)CC Case No.75 of 2022, pending before the learned Sessions Judge-cum-Special Judge, Cuttack, arising out of P.R. No.75 of 2022, for commission of alleged offences under Section 21(b) of NDPS Act.
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, Cuttack by order dated 23.11.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted by the learned counsel that the Petitioner is in custody since 23.09.2022 for allegedly possessing contraband to the tune of 20 grams of Heroin and as Form No-C5 taken on record has been filed on 18.11.2022, his further continuance in custody is not warranted.

5. Learned counsel for the State opposes the prayer for bail.
6. Considering the nature of accusation and filing of Form No-C5, 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.
7. While releasing the Petitioner on bail, the learned Court below shall verify assertion regarding criminal antecedent of similar nature. If the Petitioner has such 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

PKS

