

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 12355 of 2022

Shoib Khan

....

Petitioner

Mr. D.K. Sahoo , Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, 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.171 of 2022, pending in the Court of the learned District and Sessions Judge-cum-Special Judge, Kendrapara, arising out of P.R. Case No.120 of 2022-23, for commission of alleged offences under Sections 21(b) of the NDPS Act.
3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Special Judge, Kendrapara by order dated 01.12.2022 in the aforementioned case, the present BLAPL has been filed.
4. Copy of Form No.C-5 signify the conclusion of investigation filed by the learned counsel for the petitioner is taken on record.
5. It is submitted by the learned counsel that petitioner is in custody since 25.11.2022 and charge sheet has already been filed on 19.12.2022 and the contraband (Heroine) seized being to the tune of

37 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 (heroin) seized being less than commercial quantity and 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.

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 the **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 the rules.

(V. NARASINGH)
Judge

Santoshi