

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.287 of 2022

Siria @ Sridhar Dwari

....

Petitioner

Mr. Amitav Tripathy, Advocate

-versus-

State of Orissa

....

Opposite Party

Mr. P.K. Pattnaik, A.G.A. for State

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

01.02.2022

Order No.

01. 1. This matter is taken up through Video Conferencing mode.
2. Heard learned counsel for both the parties and perused the records.
3. This is an application under Section 439 Cr.P.C. filed by the Petitioner for bail in connection with Khandapada P.S. Case No.264 of 2021, corresponding to Special G.R. Case No.157 of 2021, pending in the file of learned Special Judge-cum-Sessions Judge, Nayagarh, for commission of alleged offences under Section 21(b)/ 29 of N.D.P.S. Act.
4. Learned counsel for the Petitioner submits that Petitioner is in jail custody since the date of his arrest, i.e. 14.12.2021. It is submitted that the allegation in the FIR are omnibus in nature and there is no allegation of any specific overt act against the present Petitioner. It is further submitted that the co-accused persons have already been released on bail by this Hon'ble Court in BLAPL

No.47 of 2022, vide order dated 31.01.2022. Moreover, the present Petitioner has no criminal antecedents.

5. Learned counsel for the State vehemently objects the prayer for bail of the Petitioner. It is further submitted that a quantity of 6 gram 710 milligrams of Brown Sugar has been recovered from the custody of the present Petitioner. However, he submits if the Petitioner is released on bail, stringent conditions may be imposed on the accused Petitioner.

6. Having heard learned counsel for the parties and considering the period of detention of the Petitioner, this Court is inclined to release the Petitioner on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty thousand) with one local surety for the like amount to the satisfaction of the learned court in seisin of the matter subject to conditions that the Petitioner shall not involve himself in any similar nature of offence particularly involving the offence under the NDPS Act.

7. Petitioner is also directed to appear before the I.O. on every Sunday between 11.00 A.M. to 1.00 P.M. once he comes out of the jail custody, till conclusion of the trial. It is further directed that the court in seisin of the matter to verify the criminal antecedents of the Petitioner and impose any additional condition(s), if situation so warrants. This order shall remain valid in the event the court in seisin of the matter is satisfied that Petitioner has no criminal antecedents.

8. With the above direction, the BLAPL is accordingly allowed.

9. As the restrictions due to resurgence of COVID -19 situation are continuing, learned counsel for the parties may utilize a print out of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned Advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020 as modified by Court's Notice No.4798, dated 15th April, 2021 and Office Order dated 7th January, 2022.

(A.K. Mohapatra)
Judge

U.K.Sahoo

