

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.555 of 2022

Sk.Salimuddin

.... Petitioner

Mr. Devashis Panda
Advocate

-versus-

State of Odisha

.... Opposite Party

Mr.P. Tripathy,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

30.03.2022.

Order No.

03.

1. This matter is taken up through hybrid mode.
2. Heard Mr. Devashis Panda, learned counsel for the Petitioner and Mr. P. Tripathy, learned Addl. Standing Counsel for the State.
3. The Petitioner is in custody since 24th October, 2021 in connection with EI & EB, Unit-1, Cuttack P.R. No.139/2021-22 corresponding to Special Case No.285/2021 pending in the court of learned District Judge-cum-Special Judge, Balasore for the alleged commission of the offence under Section 21(C) of the NDPS Act.

4. The prosecution allegation is that the Petitioner being associated with other accused persons was preparing to distribute brown sugar in some paper packets. While the other two accused persons, namely Noorjahan Bibi and Sk. Asadul Kadir, could be apprehended at the spot, the Petitioner is said to have fled away. However, a reading of the P.R. does not clearly reveal the presence of the Petitioner at the spot, inasmuch as it is simply mentioned that a lady and another person were preparing packets of brown sugar. It is not forthcoming as to how was the Petitioner identified. It is submitted by the learned counsel for the Petitioner that the house in question belongs to Sk. Asadul Kadir while the Petitioner resides separately.

5. Having regard to the submissions as above, the materials on record which do not reveal a link between the Petitioner and the alleged occurrence, I am inclined to allow the prayer for bail.

6. Let the Petitioner be released on bail on such terms and conditions as may be imposed by the court in seisin over the matter in the aforesaid case including the condition that he shall furnish cash security of Rs.1,00,000/- (Rupees one lakh) in the shape of short term fixed deposit in any Nationalise Bank and shall appear before the court in seisin over the matter on each date of posting of the case, failing which appropriate orders shall be passed by the court to take him to custody again.

7. The BLAPL is disposed of.

8. Urgent certified copy of this order be granted on proper application.

AKB

(Sashikanta Mishra)
Judge

