

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.703 of 2022

Debasis Maharana

.... ***Petitioner***
Mr. P.S. Nayak, Advocate

-versus-

State of Orissa

.... ***Opposite Party***
Mr. Anupam Rath, A.S.C. for State

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
02.02.2022

Order No.

01. 1. This matter is taken up through Video Conferencing mode.
2. This is an application under Section 439 Cr.P.C. filed by the Petitioner for bail in connection with Talcher P.S. Case No.57 of 2022, corresponding to C.T.(Spl.) NDPS Case No.03 of 2022, pending in the file of learned Additional Special Judge, Talcher, for commission of alleged offence under Section 21(b) of N.D.P.S. Act.
3. Heard learned counsel for both the parties. Perused the records.
4. Learned counsel for the Petitioner submits that Petitioner is in jail custody since the date of his arrest, i.e. 20.01.2022. It is submitted that Petitioner is an innocent person and the contraband articles has not been seized from the conscious possession of the Petitioner. The Informant has falsely implicated the present Petitioner in the present case. It is submitted that Petitioner has no criminal antecedents of similar nature.

5. Learned counsel for the State vehemently objects the prayer for bail of the Petitioner. It is further submitted that a quantity of 8.00 grams of Brown Sugar has been seized 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, it is directed that the Petitioner be released 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. once in every week i.e., on Sunday between 11.00 A.M. to 1.00 P.M. once he comes out of the jail custody, till conclusion of 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

