IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1138 of 2022

Sukuru @ Sukuru Patra .... ***Petitioner***
M/s. A.K.Pattanaik, Advocate

-versus-

State of Orissa .... ***Opp. Party***
M/s.M.Mishra, A.S.C.

CORAM:

JUSTICE G. SATAPATHY

ORDER

Order No. **28.10.2022**

06. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).

2. This is an application U/S. 439 of Cr.P.C. by the Petitioner for grant of bail in connection with Bharatpur P.S. Case No.273 of 2021 corresponding to T.R. Case No.357 of 2021 pending in the Court of learned Sessions Judge, Khurda, Bhubaneswar for commission of offence punishable U/Ss. 21(c)/29 of the N.D.P.S. Act on the allegation of possessing 280 grams of brown sugar.

3. In the course of hearing of the bail application, learned counsel for the petitioner by filing the surrender certificate of the petitioner submits that the petitioner is a law abiding citizen and he has surrendered to the custody after availing the interim bail and this fact shows the conduct of the petitioner to be a person having respect for law. It is also submitted that although the petitioner was alleged to be in possession of 280 grams of brown sugar but nothing was recovered from his personal search and he has been falsely implicated in this case. It is also submitted that the petitioner has been languishing inside the jail custody since 16.08.2021 and in the meanwhile around one year has passed but the trial of the case is yet to commence. Learned counsel for the petitioner under aforesaid submissions prays to enlarge the petitioner on bail.

4. On the other hand, learned counsel for the State opposes the bail

application of the petitioner in vehemence and he inter alia submits that release of petitioner on bail would encourage him to commit the offence again and again.

5. Considering the submissions advanced on behalf of the parties and the pre-trial detention of the petitioner and the fact that the petitioner has surrendered to custody after availing the interim bail and keeping in view the fact that nothing has been brought to the knowledge of this Court about pendency of any criminal case of similar nature against the petitioner and taking into account the other circumstance of the case as well as release of co-accused Rama Das and Shiba Das on bail and regard being had to the age of the petitioner to be 22 years as also the fact that nothing has been placed on record to indicate that the petitioner would abscond or tamper with witnesses in the event of his enlargement on bail, this Court considers the bail application of the petitioner leniently.

6. Hence, the prayer for bail of the petitioner is allowed and the Petitioner be released on bail on furnishing bail bonds of Rs.1,00,000/- with two local sureties each solvent for the like amount to the satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper with further conditions that the petitioner shall not commit similar type of offence while on bail and that the petitioner shall not leave the jurisdiction of the trial Court without prior permission till conclusion of the trial and that the petitioner shall attend the trial Court on each date of posting of the case unless his attendance is dispensed with and that the petitioner shall also attend the jurisdictional Police Station (Bharatpur P.S.) on last date of each month for a period of three months after his release on bail.

7. Accordingly, the BLAPL stands disposed of.

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

Kishore

(G. Satapathy)
Judge