

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4847 of 2022

Mohsim Akhtar @ Sagar Khan and Petitioners
another

Mr. A.K. Budhia, Advocate

-versus-

State of Odisha

.... Opposite Party
Mr. D.K. Pani, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

13.06.2022

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioners and learned counsel for the State. Perused the F.I.R., case diary and other relevant documents as well as statement of the witnesses.
3. This is an application under Section 439 of the Criminal Procedure Code.
4. The petitioners are accused in Special G.R. Case No.88 of 2022 arising out of Rajgangpur P.S. Case No.225 of 2022 pending in the court of learned District & Sessions Judge-cum-Special Judge, Sundargarh for commission of offence punishable under Section 21(b) of the N.D.P.S. Act.
5. It is alleged that 5 grams 250 milligrams of brown sugar was recovered and seized from the conscious possession each of the

petitioners.

6. It is submitted by learned counsel for the petitioners that the petitioners have been falsely implicated in the present case and that they are in custody since 15.05.2022 and investigation of the case has been completed and charge-sheet in the case has been submitted. He also submits that there is no scope for absconding or fleeing from the hands of the justice and that the bail application of the petitioners may be considered. Further, he submits that the petitioners do not have any criminal antecedents.

7. Mr. Pani, learned Additional Standing Counsel for the State vehemently opposes the prayer for bail of the petitioners and submits that number of such cases are increasing day-by-day and no leniency should be shown to the petitioners or similarly situated persons.

8. Having heard learned counsel for the parties and considering the period of custodial detention of the petitioners, it is directed that let the petitioners be released on bail on furnishing a bail bond of Rs.30,000/- (rupees thirty thousand) each with two local solvent sureties each for the like amount to the satisfaction of the learned court in seisin over the matter subject to conditions that :-

- I. The petitioners shall not be involved in any offence of similar nature;
- II. they shall not tamper with the prosecution evidence or try to threaten or influence the witnesses in any manner whatsoever;
- III. they shall not make any default in attending the court during trial on each date without fail; and
- IV. they shall appear before the concerned Police

Station once in a fortnight preferably on 'Sunday' in between 10.00 A.M. to 1.00 P.M. till conclusion of trial;

Violation of any of the terms and conditions shall entail cancellation of bail.

9. It is open for the court in seisin over the matter to impose other conditions as may be deemed just and proper.

10. It is further directed that the bail granted to the petitioners are subject to the condition that learned court below shall verify whether the petitioners have any criminal antecedents of similar nature. In the event it is found that the petitioner has any criminal antecedents, this bail order shall automatically stand revoked.

11. The Bail Application is accordingly disposed of.

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

(*A.K. Mohapatra*)
Vacation Judge