

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5586 of 2022

Md. Mumtaz

.... ***Petitioner***
M/s. P.K.Nayak, Advocate

-versus-

State of Orissa

.... ***Opp. Party***
M/s.P.K.Patnaik, A.G.A.

CORAM:

JUSTICE G. SATAPATHY

ORDER

09.12.2022

Order No.

- 03.
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 Jharsuguda P.S. Case No.286 of 2022 corresponding to C.T.(Special) Case No.21 of 2022 pending in the Court of learned Special Judge, Jharsuguda for commission of offence punishable U/Ss. 21(b)/25/29 of the N.D.P.S. Act on the allegation of possessing 7.510grams of brown sugar.
 3. In the course of hearing of the bail application, Mr.P.K.Nayak, learned counsel for the petitioner submits that the petitioner has been detained in custody since 25.05.2022 and in the meanwhile, after completion of investigation charge sheet has already been submitted and the petitioner having no similar type of criminal antecedent may kindly be granted bail by taking into consideration release of co-accused person on bail.
 4. On the contrary, Mr.P.K.Patnaik, learned Addl. Government Advocate strongly opposes the bail application of the petitioner.
 5. Considering the rival submissions made and taking into consideration the nature and gravity of accusations as well as pre-trial

detention of the petitioner and regard being had to the release of co-accused person on bail and taking into consideration the quantity of brown sugar allegedly seized in this case to be coming under intermediate quantity which does not invite rigour of Section 37 of N.D.P.S. Act and further taking into account other circumstance in entirety, this Court admits the petitioner to bail.

6. Hence, the prayer for bail of the petitioner is allowed and the Petitioner be released on bail on furnishing bail bonds of Rs.50,000/- with two solvent sureties each for the like amount to the satisfaction of the learned trial Court in seisin of the case on such terms and conditions as deem fit and proper with further conditions that the petitioner shall not leave the jurisdiction of the learned 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 report attendance before the jurisdictional Police Station once in a fortnight preferably on second Saturday of every month in between 10 A.M. to 12 Noon for six months from the date of release from the custody. The I.I.C. of jurisdictional Police Station shall not detain the petitioner unnecessarily after recording his attendance beyond the time as stipulated.

It is clarified that the Court in seisin of the case will be at liberty to cancel the bail of the petitioner without further reference to this Court, if any of the above conditions are violated or a case for cancellation of bail is otherwise made out.

7. Accordingly, the BLAPL stands disposed of.

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

(G. Satapathy)
Judge