

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5887 of 2022

Debabrata Mishra & another

....

Petitioners

M/s. B.K.Ragada, Advocate

-versus-

State of Orissa

....

Opp. Party

M/s.M.Mishra, A.S.C.

CORAM:

JUSTICE G. SATAPATHY

ORDER

03.11.2022

Order No.

- 02.
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 Petitioners for grant of bail in connection with Khurda Model P.S. Case No. 269 of 2022 corresponding to T.R. No. 53 of 2022 pending in the Court of learned Addl. Sessions Judge-cum-Special Judge under NDPS Act, Khurda for commission of offence punishable U/Ss. 21(b) of the N.D.P.S. Act on the allegation of possessing 100 grams of brown sugar.
 3. In the course of hearing of the bail application, learned counsel for the petitioners submits that the petitioners are in custody since 06.06.2022 and the quantity allegedly seized from the possession of the petitioners is not commercial quantity and no compliance U/S 37 of N.D.P.S. Act is required. It is further submitted that the petitioners are innocent persons and they are no way connected with the commission of the crime so also there is non-compliance of Section 50 of N.D.P.S. Act in letter and spirit and, therefore, the petitioners may kindly be released on bail in any condition as deems fit and proper.

4. On the other hand, learned counsel for the State seriously opposes the bail application of the petitioners and submits that the bail application of the petitioners may kindly be rejected.

5. Considering the submissions advanced on behalf of the parties and taking into consideration the quantity of brown sugar allegedly seized from the petitioners and the fact that there is no criminal antecedent reported against the petitioners and further the period of detention of the petitioners in custody since 06.06.2022 and the object of bail being not punitive, rather protecting the individual liberty and regard being had to the punishment prescribed for the offence alleged against the petitioners, this Court considers it to be a fit case to grant bail to the petitioners.

6. Hence, the prayer for bail of the petitioners is allowed and the Petitioners be released on bail on furnishing bail bonds of Rs.25,000/- each with two solvent sureties each 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 petitioners shall not commit similar type of offence while on bail and that the petitioners shall not leave the jurisdiction of the trial Court without prior permission till conclusion of the trial and that the petitioners shall attend the trial Court on each date of posting of the case unless their attendance is dispensed with and that the petitioners shall also attend the jurisdictional police station once in a month preferably on second Saturday for three months from the date of release from jail.

7. Accordingly, the BLAPL stands disposed of.

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

Kishore

(G. Satapathy)
Judge

