

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6254 of 2021

Jitu @ Jitendra Kumar Sahoo and Petitioners
another

Mr. S.K. Mishra, Advocate

-versus-

State of Odisha Opposite Party
Mr. M.K. Mohanty, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

23.03.2022

Order No.

05.

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 C.T.(Special) NDPS Case No.06 of 2021 arising out of Samal P.S. Case No.163 of 2021 pending in the court of learned Additional Sessions Judge-cum-Special Judge, Talcher for commission of offence punishable under Sections 21(b) of the N.D.P.S. Act.
5. Perused the F.I.R. and the impugned order dated 27.07.2021.
6. As per the F.I.R., it is made to suggest that the complainant

received information regarding selling of cough syrup at a location, whereafter, he and other officials on duty along with independent witnesses rushed to the spot and recovered 150 numbers of Eksuf Syrup bottles and thereafter, arrested the accused persons and forwarded them to the Court.

7. It is submitted by learned counsel for the Petitioner that the accused persons have no criminal antecedents and in the meantime, charge-sheet is filed and that apart only 30 grams of codeine phosphate which is not a commercial quantity seized, while the petitioners well selling 150 numbers of Eksuf Syrup and therefore, he should be released on bail with any condition. Further it is submitted that the co-accused has already been released on bail by this Court by order dated 05.11.2022 in BLAPL No.6083 of 2021. It is also submitted that the petitioners are in custody since 25.07.2021.

8. Leaned counsel for the State, on the other hand, opposed the prayer for bail of the Petitioner on the ground that good numbers of Eksuf Syrup bottles were seized from the possessions of the petitioners and others.

9. As per the submission of learned counsel for the petitions, only 30 grams of codeine phosphate contain found in 150 numbers of Eksuf Syrup bottles was seized which is less than commercial quantity.

10. Considering the submissions made and having regard to the fact that investigation is over and 30 grams of codeine phosphate found in total 150 bottles of syrup which is not commercial quantity but higher than the smaller, the Court of the considered view that they should be enlarged on bail without conditions.

11. In the result, it is directed that the petitioners be released on bail on furnishing a bail of Rs.50,000/-(rupees fifty thousand) each with two solvent sureties for the like amount each to the satisfaction of the learned court below in seisin over the matter with a condition that he shall not involve in any similar kind of criminal activities, while on bail; and shall attend the P.S. once in a month.

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

13. The Bail Application is accordingly disposed of.

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

Jagabandhu

