

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6325 of 2021

Laxmidhar Patra

....

Petitioner

Mr. Mohendra Kumar Mohapatro, Advocate

-versus-

State of Orissa

....

Opposite Party

Mr. K.K. Nayak, A.S.C. for State

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

07.02.2022

Order No.

04. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This is an application under Section 439 Cr.P.C. filed by the Petitioner for bail in connection with Odagaon P.S. Case No.71 of 2021, corresponding to G.R. Case No.147 of 2021, pending in the file of learned J.M.F.C., Odagaon, Nayagarh, for commission of alleged offences under Sections 274/275 I.P.C. In the meantime, the case has been committed to the learned Additional District Judge, Nayagarh, vide S.T. No.100 of 2021.
3. Heard learned counsel for both the parties. Perused the records.
4. Learned counsel for the Petitioner submits that the Petitioner is in jail custody since the date of his arrest, i.e. 05.07.2021. However, he was released on interim bail by this Court. He further submits that after completion of the interim bail period, he has surrendered before the court below and produced the Surrender

Certificate. Further he submits that Petitioner is not guilty of the offences and the quantity of cough syrup bottles seized is below the commercial quantity and that no case under the NDPS Act has been registered against the Petitioner.

5. Learned counsel for the State vehemently objects the prayer for bail of the Petitioner. It is further submitted that there was a direction of this Court to get the chemical examination report.

6. Having heard learned counsel for the parties and considering the period of detention of the Petitioner, it is directed that the Petitioner be released on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty thousand) with one local surety for the like amount to the satisfaction of the learned court in seisin of the matter subject to conditions that the Petitioner shall not be involved in any similar nature of offence and further subject to verification of the chemical examination report and in the event it is found that the seized contraband substances contains poisonous substance, then this order shall stand revoked automatically. It is open for the learned court below to fix any other terms and conditions to ensure the appearance of the Petitioner during trial.

7. With the above direction, the BLAPL is accordingly allowed.

8. Issue urgent certified copy of this order on proper application.

(A.K. Mohapatra)
Judge