

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6342 of 2021

Tapan Kumar Behera

....

Petitioner

*Mr. U.C. Jena,
Advocate*

-versus-

State of Odisha

....

Opposite Party

*Mr. P.C. Das,
Additional Standing Counsel for State*

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

05.01.2022

Order No.

03. 1. This is an application under Section 439 Cr.P.C. filed by the Petitioner for bail in connection with P.R. No.69 of 2021-22, corresponding to Special (NDPS) Case No.97 of 2021, pending in the file of learned Special Judge, Bhadrak for commission of alleged offence under Section 21(b) of NDPS Act.
2. Heard learned counsel for the Petitioner and Mr. P.C. Das, learned Additional Standing Counsel for State.
3. Learned counsel for the Petitioner submits that Petitioner is in jail custody since 20.7.2021 and that charge-sheet has been submitted in the meantime.
4. On perusal of the record it is found that a total quantity of 175 gms. of Brown Sugar (Heroin) has been seized from the custody of the Petitioner, which is less than the commercial quantity.

5. Keeping in view the aforesaid facts and in view of the fact that Petitioner is in jail custody since the date of his arrest, i.e. from 20.07.2021, I am inclined to release the Petitioner on bail in the above case on furnishing a bail bond of Rs.50,000/- (Rupees Fifty thousand) with one solvent 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 involve in any similar nature of offence particularly involving the offence under the NDPS Act. Further, the court in seisin of the matter is directed to verify the criminal antecedents of the Petitioner and impose any additional condition(s), if situation so warrants. This order shall remain valid in the event the court in seisin of the matter is satisfied that petitioner has no criminal antecedents.

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

7. Issue urgent certified copy as per rules.

(A.K. Mohapatra)
Judge