

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.10622 of 2022

MD. Kadim

....

Petitioner

Mr.Manas Kumar Chand, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr.M.K.Mohanty, A.S.C..

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

08.09.2022

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and the learned Additional Standing Counsel. Perused the records.
3. This is an application under Section 438 Cr.P.C. filed by the Petitioner for anticipatory bail.
4. It is submitted by the learned counsel for the Petitioner that 60 numbers of loose ESKUF cough syrup has been recovered from the Petitioner, which is less than the commercial quantity. He further submits that the Petitioner does not have criminal antecedents of similar nature.
5. Considering the nature of allegations and gravity of the offence and the facts of the case, I am not inclined to grant anticipatory bail to the Petitioner. However, it is directed that in the event the Petitioner surrenders before the learned S.D.J.M., Sambalpur in

G.R.Case No.3266 of 2022 arising out of Sambalpur Town P.S.Case No.311 of 2022 within a period of three weeks from today and moves for bail, he shall be released on bail on such terms and conditions as would be deemed just and proper by the learned Magistrate, but subject to furnishing cash security of Rs.10,000/- (Rupees Ten thousand), which shall be kept in any Nationalised Bank in an interest bearing account in the name of the court in seisin over the matter, but subject to verification of criminal antecedents of similar nature against the Petitioner. In the event it is found that the Petitioner has more than one criminal antecedent of similar nature, then this order shall not be given effect to. It is directed that the Petitioner while on bail shall not indulge in similar nature of criminal offences and shall cooperate with the investigation and appear before the I.O. as and when required and appear before the trial court on each and every date fixed. Violation of condition shall entail cancellation of bail. . Violation of condition shall entail cancellation of bail.

6. Accordingly, the ABLAPL is disposed of.
7. Issue urgent certified copy of this order as per Rules.

(A.K. Mohapatra)
Judge