

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7762 of 2021

Dusasana Sahu

.... Petitioner
Mr. P.S. Nayak, Advocate

-versus-

State of Odisha

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

22.02.2022

Order No.

03.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and learned counsel for the State. Perused the FIR and other relevant documents on record.
3. This is an application under Section 439 Cr.P.C. filed by the Petitioner for bail in connection with Naktideul P.S. Case No.59 of 2021, corresponding to T.R. Case No.47 of 2021, pending in the file of learned Addl. Sessions Judge-cum-Special Judge, Rairakhol, for commission of alleged offences under Sections 20(b)(ii)(C) of N.D.P.S. Act.
4. Learned counsel for the Petitioner submits the Petitioner does not have any Criminal Antecedents of similar nature and he is in custody since 06.04.2017. He further submits that nothing has been seized from the conscious possession of the Petitioner. The further submission is that the other co-accused person, namely, Trilochan Das @ Sethy has already been released on bail by this Court in BLAPL No.6461 of 2021 on 07.02.2022 and another co-accused has already been released on bail by this Court vide order dated 10.02.2022 in BLAPL No.6133.

5. Learned counsel for the State vehemently objects the prayer for bail of the Petitioner as the crime involved in the case has a bad effect on the society as a whole. It is further submitted that a quantity of 100 kilogram Ganja was recovered from the Matha, where the accused Petitioner was moving suspiciously and got arrested by the police. However, he submits that if the Petitioner is released on bail, stringent conditions may be imposed on the accused Petitioner.

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 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 himself in any similar nature of offence particularly involving the offence under the NDPS Act.

7. Petitioner is also directed to appear before the local police station at an interval of every fifteen days between 11.00 A.M. to 1.00 P.M. on a working day once he comes out of the jail custody. It is further directed that the court in seisin of the matter 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.

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

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