

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL NO.8879 OF 2021

Sk. Rafique

.... ***Petitioner***
Mr. U.C. Jena, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. Karunakar Das, ASC.

**CORAM:
MR. JUSTICE D.DASH**

ORDER
04.01.2022

Order No.

- 03.
1. This matter is taken up through hybrids arrangement (virtual/ physical) mode.
 2. This is the second journey of the Petitioner, who is in custody in connection with Puruna Bazar P.S. Case No.214 of 2021 corresponding to Special (NDPS) Case No.79 of 2021 pending on the file of learned Special Judge, Bhadrak running for the alleged commission of offence under section 21(b) of the NDPS Act, in filing this application under section 439, Cr.P.C., for his release on bail.
 3. Learned counsel for the Petitioner submits that on the allegation that this Petitioner was in possession of 110 grams of brown sugar, he being arrested is in custody since 17.06.2021. He further submits that co-accused namely, Chandu @ Jamaluddin Khan, who is said to be the rider of the motorcycle at the relevant point of time has been released on bail. In view of all these above, when there remains no scope on the part of the Petitioner

to flee from justice and tamper the evidence; he urges for reconsideration of the prayer for grant of bail to the Petitioner.

4. Learned counsel for the State opposes the move.

5. Taking into account the submissions made; further keeping in view the materials on records as those stand against the Petitioner with other surrounding circumstances including the period of detention of the Petitioner in custody; while being inclined to reconsider the prayer for grant of bail to the Petitioner, it is directed that the Petitioner be released on bail in the aforesaid case on furnishing a bail bond of Rs.50,000/- (Rupees fifty thousand) with two local solvent sureties for the like amount to the satisfaction of the learned Court in seisin of the case in connection with the aforesaid case subject to the following conditions:-

- (i) he will not commit similar offence or any other offences in any manner;
- (ii) will appear in person before the Court in seisin of the case on each date of posting of the case without fail; and
- (iii) will appear before the IIC., Puruna Bazar P.S. every Tuesday in between 10 am to 2 pm till conclusion of the trial.

Violation of any of the condition(s) shall entail cancellation of bail.

6. The BLAPL is accordingly disposed of.

Issue urgent certified copy as per rules.

**(D. Dash),
Judge.**