

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13192 of 2022

Kalandi Ch. Sahu

....

Petitioner

Mr. S.K. Pradhan, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. S.Mishra, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

14.10.2022

Order No.

- 01.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
 3. This is an application under Section 438, Cr.P.C. filed by the petitioner for anticipatory bail.
 4. The petitioner is seeking pre-arrest bail in connection with Special G.R. Case No.27 of 2019, arising out of Angul P.S. Case No.1863 of 2019 pending in the court of learned Sessions Judge, Cuttack for commission of offences punishable under Section 21(b) of the N.D.P.S. Act, 1985 read with Sections 13/18-A/18(c) of the Drugs & Cosmetics Act, 1940.
 5. It is submitted by learned counsel for the petitioner that the petitioner is a qualified Pharmacist having a valid registration Certificate of Odisha Pharmacy Council. It is further submitted by learned counsel for the petitioner that the petitioner is a medicines shop owner and doing business of selling medicines under a valid

drugs license issued by the Controller of Drugs, Odisha. He further submits that the police party raided and seized 540 bottles of cough syrup kept for selling on production of prescription. He further submits that there is no alleged violation of any rule or law. He further contends that it is not the case of the prosecution that the petitioner was selling such cough syrups illegally to anybody.

6. Learned counsel for the State, on the other hand, submits that the cough syrup bottles have been seized from the possession of the petitioner. However, it is submitted that the petitioner is not the manufacturer of the drug and he had no valid license to sell those drugs. Therefore, he is guilty of alleged offences and as such, his bail application is decide to be rejected.

7. Considering the nature of allegation, gravity of offence and the fact 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 and moves an application for bail before the learned court in seisin over the matter within a period of three weeks from today in the aforesaid case, he shall be released on bail on such terms and conditions as would be deemed just and proper subject to verification of valid drug license in the name of the petitioner on production by the petitioner on the date of surrender along with an affidavit that such drug license was issued in favour of the petitioner to sell the cough syrups which has been seized from his possession with further conditions that :-

- I. The petitioner shall cooperate with the Investigating Officer as and when required for the purpose of investigation;
- II. he shall not indulge in similar offences while on

bail. Violation of such condition would entail cancel of bail granted by this Court; and

III. he shall not make any default in attending the court during trial on each date of posting.

Violation of any of the terms and conditions shall entail cancellation of bail.

8. It is further directed that the bail granted to the petitioner is subject to the condition that the learned court below shall verify whether the petitioner has any criminal antecedents of similar nature. In the event it is found that the petitioner has any criminal antecedents of similar nature, this bail order shall automatically stand revoked. Case diary along with criminal antecedents be made available to the court on date of surrender.

9. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge