

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2965 of 2022

Deepak Sahoo @ Dipak Kumar Sahoo Petitioner
Mr. Kaustuva Mohanty, Advocate

-Versus-

State of Odisha Opposite Party
Mr.Tapas Kumar Praharaj, SC for State

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
04.11.2022

Order No.

01. 1. Heard Mr.Kaustuva Mohanty, learned counsel for the petitioner and Mr.T.K.Praharaj, learned Standing Counsel for the State.
2. Instant petition under Section 482 Cr.P.C. is filed by the petitioner challenging the impugned order dated 3rd November, 2021 passed by the learned J.M.F.C., Khandapada in G.R. Case No.145 of 2021 arising out of Khandapada P.S. Case No.149 of 2021 on the grounds stated therein.
3. Learned counsel for the petitioner submits that the petitioner is not at all involved in the alleged incident and whatever recovery and seizure with regard to the contraband substance is shown is against his brother but then he has been implicated and chargesheeted by the local police whereupon the court below took cognizance of the offence and issued non-bailable warrant of arrest against him. It is further submitted that the other two accused persons one of whom, the brother of the petitioner has been

enlarged on bail and considering the same the petitioner should also be directed to surrender and go on bail subject to conditions which is objected to by Mr.Praharaj, learned Standing Counsel for the State on the ground that petitioner had approached this Court thrice and this Court denied to grant any relief to the petitioners and at the relevant point of time, when the raid was conducted, the present petitioner stated to have absconded from the spot.

4. Having regard to the above facts and from the seizure shown by local police which is with regard to the contraband article i.e. Eskuf Cough Syrup of 270 ml bottles from the shop, which is owned by another accused, who happens to be the brother of the petitioner and that he was present at the spot but seeing the police party fled away, this Court is not inclined to pass any such order as has been prayed for.

5. In course of hearing, learned counsel for the petitioner submits that since the two other accused persons have already been released on bail, if the Court is not inclined to consider the prayer of the petitioner, regard being had to the nature of allegation made against him and as the contraband articles have been seized apparently owned by his brother, the petitioner should at least be directed to surrender and go on bail.

6. Considering the limited prayer, the CRLMC stands dismissed, however, the petitioner is at liberty to surrender before the learned J.M.F.C., Khandapada on 24th November, 2022 in G.R. Case No.145 of 2021 arising out of Khandapada P.S. Case No.149 of 2021 and in the event he surrenders, the court below shall release him on bail with conditions keeping in view the facts and circumstances of the case.

7. Issue urgent certified copy of this order on proper application.

(R.K. Pattanaik)
Judge