

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9067 of 2021

Kalu Pradhan @ Suresh Pradhan ***Petitioners***
and another

Mr. A. Tripathy,
Advocate

State of Odisha ***Opposite Party***
-versus-
Mr.P. Tripathy,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER
03.01.2022.

Order No.

01. 1. This matter is taken up through hybrid mode.
2. Heard Mr. A. Tripathy, learned counsel for the Petitioners and Mr. P.Tripathy, learned Addl. Standing Counsel for the State.
3. The petitioners are in custody since 19th September, 2021 in connection with Nayagarh P.S. Case No.196/2021 corresponding to G.R. Case No.127/2021 pending in the court of learned Special Judge-cum-Sessions Judge, Nayagarh for the

alleged commission of the offence under Section 21(b)/29 of N.D.P.S.Act.

4. The prosecution allegation is that on 18th September, 2021 at about 9.30 P.M. the present Petitioners and two others were found to be in possession of polythene packets containing brown sugar weighing 82 grams 460 miligrams. It is further alleged that they were preparing small packets of such brown sugar for the purpose of sell.

5. Learned counsel for the Petitioners submits that nothing was seized form the possessions of the Petitioners and that the case has been falsely foisted against them. In any case, the seized contraband is less than commercial quantity.

6. Learned Addl. Standing Counsel for the State, on the other hand, has opposed the prayer for bail by submitting that presently these crimes are rampant in the society and hence, no leniency should shown to the perpetrators.

7. Having regard to the submissions made, the materials on record and the fact that investigation into the case has already been concluded as also the fact that the quantity of contraband seized is less than commercial quantity, I am inclined to release the Petitioners on bail.

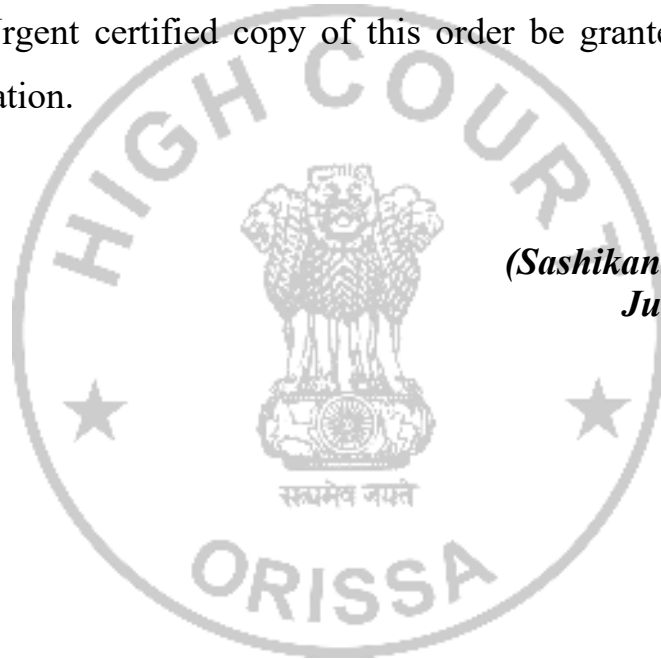
8. Let the Petitioners- Kalu Pradhan @ Suresh Pradhan and Pabitra Rout be released on bail in the aforesaid case on such

terms and conditions as may be imposed by the court in seisin over the matter including the condition that they shall appear before the trial court on each date of posting of the case without fail. It is made clear that if the Petitioners do not appear, it shall be open to the trial court to pass appropriate orders to take them into custody.

9. The BLAPL is disposed of.

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

AKB



(Sashikanta Mishra)
Judge