

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9072 of 2021

Abhaya Kumar Behera and others* *Petitioners

Mr. T.K.Sahoo,
Advocate

-versus-

State of Odisha

Opposite Party

....
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. Mr. T.K.,Sahoo, learned counsel, enters appearance for the Petitioner by filing Vakalatnama containing no objection from the previous counsel. The same be kept on record.
3. Heard Mr. T.K.Sahoo, learned counsel for the Petitioners and Mr. P.Tripathy, learned Addl. Standing Counsel for the State.
4. The petitioners are in custody since 28th September, 2021 in connection with Dhenkanal Town P.S. Case No.397/2021 corresponding to C.T. Special (NDPS) Case No.9/2021 pending

the court of learned Judge, Special Court, Dhenkanal for the alleged commission of the offence under Section 21(b) of N.D.P.S.Act.

5. The prosecution allegation is that the brown sugar weighing 13 grams 190 miligrams was seized from the kitchen room of the Petitioners' house which they could not duly accompanied for. It is submitted by learned counsel for the Petitioners that the Petitioners have been entangled in this case falsely and nothing was seized from their possession. Learned Addl. Standing Counsel for the State, on the other hand, has opposed the prayer for bail by submitting that the Petitioners are habitual offenders and if released, they may commit similar offences which may prove to be dangerous to the society.

6. Having regard to the submissions made, the materials on record, the period of detention already under gone and the fact that the quantity of contraband seized is less than commercial quantity, I am inclined to release the Petitioners on bail.

7. Let the Petitioners- Abhaya Kumar Behera, Badani Behera and Dileswar Behera @ Dilu 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 open to the trial court to pass appropriate orders to take them into custody.

8. The BLAPL is disposed of.

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

AKB

(Sashikanta Mishra)
Judge

