

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9113 of 2021

Harsha Samal

.... Petitioner

Mr. P.S. Nayak, Advocate

-versus-

State of Odisha

.... Opp. Party

Mr. P.K. Maharaj,
Additional Standing Counsel

**CORAM:
JUSTICE SASHIKANTA MISHRA**

Order No.

**ORDER
03.01.2022**

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
3. The petitioner is in custody since 01.10.2021 in connection with Samal Barrage P.S. Case No. 213 of 2021 corresponding to C.T. (Spl.) NDPS Case No. 10 of 2021 of the court of learned Additional Special Judge, Talcher for the alleged commission of offence under Section 21(b) of the NDPS Act.
4. The prosecution allegation is that the petitioner and another person were found to be in possession of 160 numbers of Eskuf Cough Syrup bottles without any authority. In so far as the present petitioner is concerned thirty bottles were recovered from his possession. It was found that each bottle contained 100 ml. of syrup and 200 mg. of codeine phosphate and as such, the total quantity of codeine phosphate came to 32 gm.

5. It is submitted by learned counsel for the petitioner that the petitioner has been entangled in the case falsely and there was no recovery from his possession. In any case, the quantity of codeine phosphate seized from him is less than commercial quantity.

6. Learned Additional Standing Counsel for the State, on the other hand, has opposed the prayer for bail by submitting that the petitioner appears to be a habitual offender and if he released, he may commit similar crimes.

7. Having regard to the submissions made, the materials on record, the period of detention already undergone and the fact that charge-sheet has already been submitted as also the fact that the quantity of codeine phosphate seized is less than commercial quantity, I am inclined to allow the prayer for bail. Let the petitioner be released on bail on such terms and conditions as the court in seisin over the matter may deem fit and proper to impose including the condition that he shall personally appear before the trial court on each date of posting of the case without fail.

8. The BLAPL is accordingly disposed of.

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

(Sashikanta Mishra)
Judge