

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9434 of 2021

Koushal Prusty @ Babuli

....

Petitioner

Mr. S.S. Ray-2, Advocate

-versus-

State of Orissa

....

Opposite Party

Mr. P.C.Das, ASC for State

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

20.04.2022

Order No.

02. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for the Petitioner and learned counsel for the State. Perused the Case Diary, F.I.R. and statement of witness.
3. This is an application under Section 439 Cr.P.C. filed by the Petitioner for bail in connection with Belpada P.S. Case No.185 of 2021, corresponding to G.R. Case No.714 of 2021, pending in the court of learned S.D.J.M., Patnagarh, for commission of alleged offences under Section 272/274/275/120-B of I.P.C.
4. The prosecution case, in brief, is that one Kiran Kumar Jani lodged a written report before the police alleging therein that on 6.9.2021 at about 9 pm while the informant along with other police officials were performing patrol duty near Belpada got reliable information that one Babuli Prusty was selling Eskuf Cough syrup in his kirana store. Getting such information, when the informant along with the police officials were rushed to the spot they found the

present petitioner Babuli Prusty was selling cough syrup to the public and on seeing the police he fled away from the spot. On search 65 nos. of loose Eskuf cough syrup, 1 strip of Nitrosun 10 tablet and a cash of Rs.40,000/- was found in a bag. Basing on the aforesaid allegation, Belpada P.S. Case No.185/2021 was registered.

5. Learned counsel for the Petitioner submits that Petitioner is in jail custody since the date of his arrest, i.e. 07.09.2021. It is submitted that the investigation of the case has been over and charge-sheet has been submitted by the police. It is further submitted that Petitioner is an innocent person and he has been falsely implicated in the case. The contraband articles have neither been seized from his conscious and exclusive possession nor had he committed any crime. It is further submitted that one of the co-accused person, namely, Madhusudan Bag @ Raibaru Bag has been released on bail by this Hon'ble Court in BLAPL No.9677 of 2021 vide order dated 18.01.2022. Accordingly, he prays for grant of bail in his favour.

6. Learned counsel for the State on the other hand opposes the bail application of the Petitioner on the ground that the allegation in the FIR is very serious, therefore no leniency should be shown to the accused person. He, however, submits in the event of release, stringent conditions may be imposed on the accused Petitioner.

7. Having heard learned counsel for the parties, considering the nature and gravity of offences alleged, the period of detention of the Petitioner, this Court is inclined to release the Petitioner on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand) with one local surety for the like amount to the satisfaction of the learned

court in seisin of the matter. The trial court is directed to impose the terms and conditions as deem fit and proper in the facts and circumstances of the case.

8. With the above direction, the BLAPL is accordingly allowed.

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

(A.K. Mohapatra)
Judge

U.K.Sahoo

