

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9532 of 2021

Basu @ Basanta Dalai

....

Petitioner

Mr. S.R. Mulia, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. S.N. Das, Additional Standing Counsel

CORAM:

MR. JUSTICE R.K. PATTANAIK

ORDER

10.01.2022

Order
No.

- 01.
1. This matter is taken up through video conferencing mode.
 2. Heard learned counsel for the petitioner and learned counsel for the State.
 3. This is an application under Section 439 of Cr.P.C for grant of bail to the petitioner in connection with Jagatpur P.S. Case No.357 of 2021 registered under Section 21 (b) of NDPS Act corresponding to G.R. (Spl.) Case No.23 of 2021 pending in the file of learned Sessions Judge-cum-Special Judge, Cuttack on the grounds stated therein.
 4. Perused the FIR as at Annexure-1 and also impugned order dated 25.10.2021 under Annexure-2.
 5. Gone through the contents of the FIR, wherefrom, it is revealed that on the alleged date of occurrence, the informant and other officials while on duty detained the petitioner and another accused alleged to be peddlers while travelling in a motor cycle bearing registration No.OD-05-AD-8514 and both were searched, as a result of which, 80 gm of brown sugar was recovered and seized

from them, and in that connection, they were arrested and forwarded to the Court.

6. Learned counsel for the petitioner submits that the accused does not have any criminal antecedent and he is in custody since 02.09.2021 and though, the investigation is in progress, but then considering the period of detention and the fact that less than commercial quantity of contraband substance has been recovered and seized, the accused should be enlarged on bail with any conditions which is objected to the learned counsel for the State on the ground that the alleged seizure is shown from the conscious possession of the petitioner.

7. The investigation is stated to be in progress and 80 gm of brown sugar shown to be recovered and seized from the possession both the accused persons. The FIR revealed that a quantity of 35 gm of brown sugar along with cash of Rs.630/- was recovered from the petitioner. Admittedly, the quantity is less than commercial. Recording the submission of the learned counsel for the petitioner that the accused is having no criminal antecedent and being a first time offender, the Court is of the considered view that having regard to the period of detention which is from the month of September, 2021, the petitioner should be enlarged on bail with following conditions and accordingly, it is ordered.

8. In the result, the petitioner is allowed to go on bail on furnishing a bail bond of Rs.40,000/-(rupees forty thousand) with one solvent surety for the like amount to the satisfaction of the learned court below in seisin over the matter, who shall impose such other conditions, as deemed just and proper, in the facts and circumstances.

9. The BLAPL is disposed of.

10. As the restrictions due to the COVID-19 situation are continuing, learned counsel for the parties may utilize a soft copy of this order available in the High Court's website or print out thereof at par with certified copy in the manner prescribed, vide Court's Notice No.4587, dated 25 March, 2020 as modified by Court's Notice No.4798, dated 15th April, 2021.

(R.K. Pattanaik)
Judge

TUDU

