

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9614 of 2021

Nahia @ Prafulla Das

....

Petitioner

Mr. S.N. Mishra-4, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. G.N. Rout, Additional Standing Counsel

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

11.01.2022

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 Basta P.S. Case No.286 of 2021 registered under Section(s) 21 (b)/29 of NDPS Act corresponding to Special Case No.265 of 2021 pending in the file of learned District Judge-cum-Special Judge, Balasore on the grounds stated therein.
 4. Perused the FIR i.e. Annexure-1 and impugned order dated 21.10.2021 under Annexure-2.
 5. Gone through the contents of the FIR which has been drawn by the informant describing in detail the manner and circumstances leading to the alleged recovery of contraband Brown sugar from the possession of the petitioner.

6. Learned counsel for the petitioner submits that 54 grams of Brown sugar is shown to have been recovered and seized from the accused by the local police which is not a commercial quantity and that apart, he does not have any criminal antecedent being a first time offender and considering the period of detention since the date of arrest, the petitioner should be enlarged on bail with any conditions.

7. Learned counsel for the State referring to the case diary admits the petitioner of having no criminal antecedent. However, it is submitted that recovery of Brown sugar of 54 grams is prima facie established considering the materials on record.

8. In fact, the petitioner was intercepted by the local police and on being searched, a polythene packet was recovered and it had contained Brown sugar of 54 grams. No other accused is involved except the petitioner from who the alleged recovery has been made. Admittedly, the contraband substance is below commercial quantity. There is no material on record to suggest that the petitioner is having any other criminal case or previous antecedent of similar nature, inasmuch as, case diary does not reveal any which is confirmed by the learned counsel for the State.

9. Having regard to the above facts, submissions made and taking into account the period of detention vis-à-vis the petitioner and absence of criminal antecedent against him, the Court is inclined to grant bail to the petitioner with conditions which are as follows.

10. 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 with conditions that he shall not involve or indulge in any similar kinds of criminal

activities, while on bail; and shall attend local PS and report the IO concerned once in a week preferably on Sunday 10 AM to 1 PM for the purpose of investigation till it is concluded.

11. The BLAPL is disposed of.

12. 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, and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

(R.K. Pattanaik)
Judge

TUDU

