

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9617 of 2021

Tikia @ Mrutyunjaya Patra and others Petitioners
Mr. A.K. Das-1, Advocate

-Versus-

State of Odisha Opposite Party
Mr. G.N. Rout, Additional Standing Counsel

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
11.01.2022

Order
No.

01. 1. This matter is taken up through video conferencing mode.
2. Heard learned counsel for the petitioners and learned counsel for the State.
3. This is an application under Section 439 of Cr.P.C for grant of bail to the petitioners in connection with Basta P.S. Case No.273 of 2021 registered under Section(s) 21(b)/29 of NDPS Act corresponding to Special Case No.238 of 2021 pending in the file of learned Special Judge, Balasore.
4. Perused the FIR and impugned order dated 25.10.2021 (Annexure-4) besides the other documents enclosed to the bail application.
5. Gone through the contents of the FIR.
6. Learned counsel for the petitioners submits that the co-accused, namely, Sita @ Bijaya Laxmi Patra has been granted bail by this Court in BLAPL No.8561 of 2021 on 17.11.2021 and in so far as the present accused persons are concerned, they are the members of

the team which has been formed by the above named lady accused with the allegation that all are involved in trading and selling of Brown sugar in the locality but then they are having no criminal antecedents and considering the above fact and release of the principal accused, the petitioners should be enlarged on bail on similar terms and conditions which is objected to the learned counsel for the State on the ground of their involvement in trading and selling of brown sugar as has been claimed by the local police.

7. Gone through the statements of the witnesses, copies of which under Annexure-3 have been made available to Court for reference. The alleged recovery and seizure has been shown from the lady accused and it has been alleged that the petitioners have teamed up with her for the purpose of trading and selling of brown sugar to different persons of the locality. As such, no recovery has been made from the petitioners which stands against the lady accused. Though the local police claim involvement all the accused persons in the selling of Brown sugar. Any ways, as admitted by the learned counsel for the State that the petitioners do not have any criminal track record.

8. Having regard to the above facts and submissions made by the respective counsel for the parties and also period of detention with respect to the accused persons and release of the lady accused by orders of the Court in the month of November, 2021, the Court is of the considered view that the petitioners should also be allowed to go on bail with conditions which are as follows.

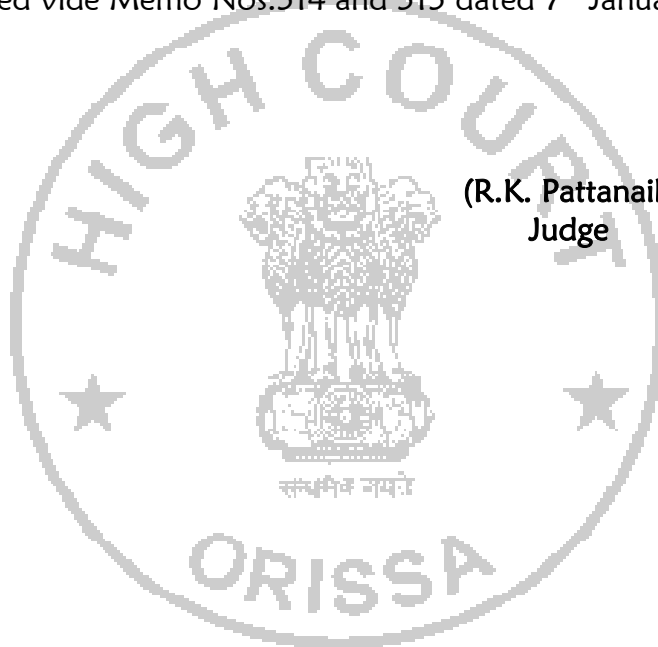
9. In the result, the petitioners are allowed to go on bail on furnishing bail bonds of Rs.40,000/-(rupees forty thousand) each with one solvent surety for the like amount each to the satisfaction of the learned court below in seisin over the matter, who shall

impose such other conditions, as deemed just and proper, in the facts and circumstances.

10. The BLAPL is disposed of.

11. 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