

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL NO. 9723 of 2021

Susanta Kumar Behera ***Petitioner***
Mr.L.N.Patel, Advocate
State of Odisha ***Opposite Party***
Mr.M.K.Mohanty, ASC

CORAM:
JUSTICE S.K. PANIGRAHI

Order
No.

ORDER
10.01.2022

02. 1. This matter is taken up by virtual mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner being in custody in C.T. Case No. 417 of 2021 arising out of Jenapur P.S. Case No. 71 of 2021 pending in the court of learned J.M.F.C., Chandikhol for commission of offences under Section 4 and 5 of the Explosive Substance Act has filed this application under Section 439 of the Cr.P.C. for his release on bail.
4. It is alleged in the F.I.R. that the petitioner had kept 20 packets of ammonium nitrate (each packet containing 50 Kgs) and 50 cartoons of ideal power (explosive), each packet containing 25 Kgs. of said articles, in an abandoned building for the purpose of sale without having any licence.
5. Learned counsel for the petitioner submits that the petitioner has been granted licence for detonating the explosive substance which subsists till 14.11.2024. However, the petitioner was caught as he had stored explosive substances in an abandoned house

nearby his residence. Since the petitioner has not been authorized to store explosive substances, he was apprehended by the Police. He has one criminal antecedent under Section 506 IPC. Charge sheet has been submitted. It is further submitted that the petitioner has already spent more than a year in custody and the trial has not yet been commenced as there is bleak chance of commencement of trial in near future due to pandemic situation, he makes out a case for his release on bail.

6. Learned counsel for the State vehemently opposed the bail application submitting that the petitioner had stored huge quantity of explosive substances without having any licence. So, he does not deserve for bail.

7. Considering the submissions made, facts and circumstances of the case as well as period of detention of the petitioner in custody, it is directed that the petitioner be released on bail in the aforesaid case with some stringent terms and conditions as deemed just and proper by the learned court in seisin over the matter with further conditions that:-

- i. the petitioner shall appear before the learned trial court on each date of posting of the case;
- ii. he shall not indulge himself in any criminal offence while on bail and
- iii he shall not tamper the evidence of the prosecution evidence in any manner.

8. Violation of any of the conditions shall entail cancellation of the bail.

9. The BLAPL is accordingly disposed of.

10. As the restrictions due to resurgence of Covid-19 are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the Advocate concerned with his/her seal, in the manner prescribed vide Court's Office Order dated 7th January, 2022.



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