

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 11199 of 2022

Balgopal Thanapati

....

Petitioner

Mr. S. Dwibedi, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

16.12.2022

Order No.

01.

1. Heard learned counsel for the petitioner and learned counsel for the State.

2. The petitioner is an accused in G.R. Case No.708 of 2022, pending in the file of learned S.D.J.M., Patnagarh, arising out of Khaprakhol P.S. Case No.155 of 2022, for alleged commission of offence under Sections 274/275/276/120-B of the IPC and is in custody since 30.09.2022.

3. Being aggrieved by the rejection of her application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Patnagarh by order dated 02.11.2022 in the aforementioned case, the present BLAPL has been filed.

4. It is submitted by the learned counsel that he is in custody for unauthorizedly possessing 28 bottles of sealed Eskuf Cough Syrup and also selling the same by mixing it with Apcolam 0.5 tablet. It is stated that the prohibited codeine phosphate comes to 1 gms 508 mg. Hence he may be released on bail as investigation has progressed substantially.

5. Learned counsel for the State opposes the prayer for bail inter alia on the ground that the petitioner has criminal antecedent though not of similar nature.
6. Taking into account the allegations in the case at hand, punishment prescribed and the period in custody, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin.
7. Keeping in view the criminal proclivity of the petitioner, this Court directs the petitioner to appear before the Investigating Officer once every week on such date and time be fixed by the learned Court in seisin till submission of final form.
8. Additionally it is directed that the learned Court in seisin shall verify as to whether the petitioner has criminal antecedent of similar nature. In the event it comes to the fore that he has criminal antecedent of similar nature, this order shall stand recalled.
9. Accordingly, the BLAPL stands disposed of.
10. Urgent certified copy of this order be granted as per rules.

(V. NARASINGH)
Judge