

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 11200 of 2022

Bhupendra Padhan @ Bhupen Padhan

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 his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Patnagarh by order dated 07.10.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted by the learned counsel that he is in custody unauthorizedly for having 28 bottles of sealed Eskuf Cough Syrup and also selling the same by mixing 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