

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10655 of 2021

Upendra Sagariya and another ***Petitioners***
Mr. Niranjan Hota,
Advocate

-versus-

State of Odisha ***Opposite Party***
Mr. Anupam Rath,
Additional Standing Counsel for State

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
21.01.2022

Order No.

01. 1. This matter is taken up through Video Conferencing mode.
2. This is an application under Section 439 Cr.P.C. filed by the Petitioners for bail in connection with Baunsuni P.S. Case No.148 of 2021, corresponding to C.T. Case No.462 of 2021 in relation to Special Case (NDPS) No.55 of 2021, pending in the court of Sessions Judge-cum-Special Judge, Boudh, for commission of alleged offence under Section 21(b)(ii)(B) of N.D.P.S. Act.
3. Heard Mr.Niranjan Hota, learned counsel for the Petitioner and Mr.Anupam Rath, learned Additional Standing Counsel for State.
4. Learned counsel for the Petitioners submits that Petitioners are in jail custody since 22.10.2021 and they have no criminal antecedents of similar nature. It is further submitted that a quantity of 8Kg200 gms. of ganja has been recovered from the custody of the present Petitioners.
5. Learned counsel for the State vehemently opposes the prayer for bail of the Petitioners. However, he submits if the Petitioners be released on bail, stringent conditions may be imposed on the accused Petitioners.

6. Having heard learned counsel for the parties and considering the period of detention of the Petitioners, it is directed that the Petitioners be released on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty thousand) each with two solvent sureties for the like amount to the satisfaction of the learned court in seisin of the matter subject to conditions that the Petitioners shall not involve themselves in any similar nature of offence particularly involving the offence under the NDPS Act.

7. Petitioners are also directed to appear before the local police station on every Sunday at 11.00 A.M. to 1.00 P.M. and cooperate in the investigation. This Court also directs the court in seisin of the matter to verify the criminal antecedents of the Petitioners and impose any additional condition(s), if situation so warrants. This order shall remain valid in the event the court in seisin of the matter is satisfied that Petitioners have no criminal antecedents.

8. With the above direction, the BLAPL is accordingly allowed.

9. As the restrictions due to resurgence of COVID -19 situation are continuing, learned counsel for the parties may utilize a print out of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned Advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020 as modified by Court's Notice No.4798, dated 15th April, 2021 and Office Order dated 7th January, 2022.

(A.K. Mohapatra)
Judge