

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10833 of 2021

Krushna Chandra Behera

....

Petitioner

Mr. S.K. Lenka, Advocate

-versus-

State of Orissa

....

Opposite Party

Mr. P. Tripathy, A.S.C.

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

24.01.2022

Order No.

01.

1. This matter is taken up through video conferencing.
2. This is an application under Sec.439 Cr.P.C. for bail and the offences alleged are under Secs.21(c)/29 of the NDPS Act.
3. Heard Mr. S.K. Lenka, learned counsel for the Petitioner as well as Mr. P. Tripathy, learned A.S.C. for the State-Opposite Party.
4. It is submitted that the Petitioner is inside custody since 18.8.2021 and in the meantime one of the co-accused, namely, Biranchi Patra standing on similar footing with the present Petitioner has already been released on bail by this Court in different bail application. It is further submitted that no contraband item has been seized from possession of the present Petitioner and the only basis of his implication is the statement of another co-accused person from whom the brown sugar (heroin) weighing 270 grams was seized. This Petitioner has no criminal antecedent.

5. After hearing learned A.S.C. for the State-Opposite Party and considering the fact that nothing has been seized from possession at the time of his arrest and that, he was neither present at the spot at the time of detection nor he has any criminal antecedent, there appears reasonable ground to prima facie believe the innocence of the Petitioner. Accordingly, it is directed to release the Petitioner on bail in connection with Laxmisagar P.S. Case No.264/2021 corresponding to T.R. Case No.369/2021 on such terms and conditions to be fixed by the learned Sessions Judge, Khurda at Bhubaneswar as he deems just and proper including the condition that the Petitioner shall not be involved in any other offence while on bail and shall appear before the IIC, Laxmisagar P.S. once in each week till completion of trial.

6. The BLAPL is accordingly disposed of.

7. As the restrictions due to resurgence of COVID-19 situation 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 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 Court's Office Order circulated vide Memo No.514, dated 7th January, 2022.

(B.P. Routray)
Judge