

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No.10985 of 2021**

***Siba Prasana Jena***

.... ***Petitioner***  
*Mr. S.R. Mulia, Advocate*

**-versus-**

***State of Odisha***

.... ***Opposite Party***  
*Mr. P.C. Das, ASC*

**CORAM:**  
**JUSTICE A.K.MOHAPATRA**

**ORDER**  
**06.07.2022**

**Order No.**

04. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This is an application under Section 439 Cr.P.C. filed by the Petitioner for bail in connection with STF PS Case No.22 of 2021, corresponding to Special G.R. Case No.16 of 2021, pending in the court of Sessions Judge, Cuttack, for commission of alleged offences under Sections 275/276/420/467/468/471/120-B of I.P.C.
3. Heard learned counsel for both the parties. Perused the FIR, Case Diary and statement of witnesses.
4. Learned counsel for the Petitioner submits that the Petitioner is in custody since 24.06.2021. It is further submitted that police after completion of investigation has filed preliminary charge-sheet against the Petitioner. It is submitted by Mr. Das, learned counsel for the Petitioner that Petitioner is a seller of medicine and after getting consignment, the same was kept in the store of the Petitioner

whereafter police raided and all the medicines were seized . He further submits that he is involved in medicine business and is a licence holder issued by the Assistant Drugs Controller of Orissa. Therefore he further contends that Petitioner has been falsely implicated in the case for manufacturer of spurious drugs. It is further submitted that Petitioner is a local person, therefore, there is no chance of absconding the trial of the case.

5. Learned counsel for the State vehemently opposes the bail application of the Petitioner. On the basis of seizure of case report and other relevant materials, case is made out against the Petitioner. It is further submitted that serious allegation has been made against the Petitioner. In such view of the matter, the bail application be rejected as the same have bad impact on the society at large.

6. Having heard learned counsel for the parties and considering the custodial detention of the Petitioner and the peculiar facts and circumstances of the case, this Court is inclined to release the Petitioner on bail subject to stringent conditions. Let the Petitioner be released on bail subject to furnishing bail bond of Rs.50,000/- (Rupees Fifty thousand) each with two local sureties for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following terms and conditions :

- i) He shall appear before the trial court on each and every date and shall cooperate for early conclusion of trial;
- ii) He shall not tamper with the prosecution evidence and shall not make any attempt to influence or threaten the witnesses;

iii) He shall provide his address as well as his phone number to the concerned Police Station and keep the same updated in the event the same is changed in future;

iv) He shall not leave the jurisdiction of the court without prior permission of the trial court and he shall submit his passport before the local police and if there is no passport, an affidavit to that effect be filed before the I.O.

7. Violation of any of the terms and conditions shall entail cancellation of bail.

8. It is further directed that the bail granted to the Petitioner is subject to the condition that learned court below shall verify whether the Petitioner has any criminal antecedents of similar nature. In the event it is found that the Petitioner has any criminal antecedents of similar nature, this order shall automatically stand revoked.

9. With the aforesaid observation the BLAPL stands disposed of.

10. Urgent certified copy of this order be granted on proper application.

**(A.K. Mohapatra)**  
**Judge**