

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11009 of 2021

***Laxmidhar Mohanty @ Babina @
Kalia and another*** ***Petitioners***

Mr. H.K. Tripathy, Advocate

-versus-

State of Odisha

.... ***Opposite Party***

Mr. S.N. Das, A.S.C. for State

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

**ORDER
24.01.2022**

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 Petitioner for bail in connection with Baghamari P.S. Case No.107 of 2021, corresponding to T.R. Case No.154 of 2021 in the file of learned 1st Addl. Sessions Judge-cum-Special Judge, Khurda, for commissions of alleged offences under Section 21(b)/29 of N.D.P.S. Act.
3. Heard learned counsel for both the parties. Perused the relevant records.
4. Learned counsel for the Petitioners submits that Petitioners are in jail custody since 25.11.2021 and they have no criminal antecedents of similar nature. It is further submitted that a quantity of 26.77 grams of Brown Sugar 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 are 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) with one solvent surety each 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 offences particularly involving the offence under the NDPS Act.

7. Petitioners are also directed to appear before the local police station at an interval of every fifteen days between 11.00 A.M. to 1.00 P.M. on a working day once he comes out of the jail custody. It is further directed that 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