

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.12543 of 2022

Satyadarshi Behera

....
Mr. Amlan Shakti Paul, Advocate

Petitioner

-Versus-

State of Odisha

....
Mr. Sitikanta Mishra, ASC

Opposite Party

CORAM:
MR. JUSTICE K. PATTANAIK

ORDER
22.12.2022

Order No.

- 01.
1. Heard learned counsel for the petitioner and learned counsel for the State.
 2. This is an application under Section 439 Cr.P.C. filed by the petitioner for bail in connection with E.I & E.B. Unit-I, Cuttack PR No.315 of 2022-23 corresponding to T.R. No.491 of 2022 pending in the court of learned District and Sessions Judge, Khurda at Bhubaneswar on the grounds stated therein.
 3. Perused the copy of the rejection order as at Annexure-1.
 4. Learned counsel for the petitioner submits that petitioner is aged about 19 years and is a first time offender and has been in custody since 5th November, 2022 and stands implicated for possession of contraband Brown sugar of less than commercial quantity and considering the same and an affidavit filed by his mother with an assurance that he would not indulge in any such incident in future in case released on bail, he may be enlarged on bail subject to conditions as would be fixed by this Court.
 5. Mr. Mishra, learned counsel for the State opposed release of the petitioner on the ground that large quantity of contraband

Brown sugar (heroin) is recovered from the exclusive possession of the petitioner, which is revealed from Annexure-1.

6. Learned counsel for the petitioner submits that the petitioner does not have any criminal antecedent and not a habitual offender but a first timer and there is no mention in the PR as to him of having any criminal antecedent either.

7. Considering the above facts and that the petitioner has been languishing in jail custody since one and half months by now, the Court is of the view that he should be released on bail subject to conditions so as to provide him an opportunity to reform himself considering the assurance of his mother, who filed an affidavit in Court today.

8. Accordingly, it is ordered.

9. In the result, BLAPL stands allowed.

10. Consequently, it is directed that the petitioner be released on bail in connection with E.I & E.B. Unit-I, Cuttack PR No.315 of 2022-23 corresponding to T.R. No.491 of 2022 pending in the court of learned District and Sessions Judge, Khurda at Bhubaneswar on furnishing a bail bond of Rs.50,000/- with one solvent surety for the like amount to the satisfaction of the learned court below, which shall impose such other conditions as would be deemed just and proper in the facts and circumstances of the case besides a condition that he shall not involve himself in any such similar criminal activity while on bail.

11. Issue urgent certified copy of this order as per rules.

(R.K. Pattanaik)
Judge