

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 12559 of 2022

Prasant Kumar Sahoo

....
Petitioner
Mr. S.R. Mohapatra, Advocate

-Versus-

State of Orissa

....
Opposite Party
Mr. S.S. Mohapatra, ASC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
22.12.2022

Order No.

- 01.
1. Heard learned counsel for the petitioner and learned counsel for the State.
 2. Instant petition under Section 439 Cr.P.C. filed by the petitioner for bail in connection with Nayapalli P.S. Case No. 711 of 2022 corresponding to T.R. No.502 of 2022 arising out of Sessions Judge, Khurda at Bhubaneswar for commission of offences under Sections 21(b) and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985.
 3. Perused the copy of the FIR as at Annexure-1.
 4. Learned counsel for the petitioner submits that there is seizure of 100 grams of Brown sugar to have been recovered from his pant pocket but then the petitioner has been languishing in jail custody since 12th November, 2022 and considering the fact that investigation has already progressed substantially in the meantime, he should be allowed to go on bail, which is objected to by learned counsel for the State as large number of Brown sugar was recovered from him.

5. Perused the seizure list as at Annexure-3 and also gone through Annexure-2, which is a rejection order. Admittedly contraband article was recovered from the exclusive possession of the petitioner but it is less than the commercial quantity. Considering the fact that petitioner has been in detention since 12th November, 2022, the Court feels it proper to release him on bail subject to conditions.

5. Accordingly, it is ordered.

6. In the result, BLAPL stands allowed.

7. Consequently, it is directed that the petitioner be released on bail in connection with Nayapalli P.S. Case No.711 of 2022 corresponding to T.R. No.502 of 2022 arising out of Sessions Judge, Khurda at Bhubaneswar on furnishing a bail bond of Rs.50,000/- with two solvent sureties for the like amount to the satisfaction of the learned court below who shall impose such other conditions as would be deemed just and proper in the facts and circumstances of the case with a further condition to finish an undertaking that he shall not be involved in any such criminal activity in future.

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

(R.K. Pattanaik)
Judge

U.K.Sahoo