

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.12563 of 2022

Santosh Kumar Sahoo

.... ***Petitioner***
Mr. P.S. Nayak, Advocate

-versus-

State of Orissa

.... ***Opp. Party***
Mr. M. Mishra, A.S.C.

CORAM:
JUSTICE G. SATAPATHY

ORDER
22.12.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. This is an application U/S. 439 of Cr.P.C. by the Petitioner for grant of bail in connection with P.R. Case No.149 of 2022-23 corresponding to C.T. (Spl) NDPS Case No. 21 of 2022 pending in the file of learned Additional Special Judge, Talcher for commission of offences punishable U/S. 21(b) of NDPS Act, on the allegation of possessing 53 Grams of Eskuf Cough Syrup containing 10.6 Grams of codeine phosphate.
3. In the course of hearing of the bail application, Mr. P.S. Nayak, learned counsel for the Petitioner submits that the Petitioner has been falsely implicated in this case and even the allegations on record are taken into consideration, the quantity of contraband articles in this case is not coming under commercial quantity, rather the same being intermediate quantity and there being no legal restriction for release of Petitioner on bail, the Petitioner may kindly be granted bail.
4. On the other hand, Mr. M. Mishra, learned A.S.C., while not disputing about absence of any criminal antecedent against the Petitioner, submits that since the Petitioner is apprehended with the contraband articles, he may not be granted bail.

5. Considering the rival submissions made and taking into consideration the nature and gravity of accusations raised against the Petitioner and other surrounding circumstances including the pre-trial detention of the Petitioner and progress of investigation and regard being had to the punishment prescribed for offence alleged against the Petitioner being not beyond 10 years and absence of criminal antecedent against the Petitioner, this Court admits the Petitioner to bail.

6. Hence, the prayer for the bail of the Petitioner stands allowed and the Petitioner is allowed to go on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with one solvent surety for the like amount to the satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper with further conditions that the Petitioner shall attend the trial Court on each date of posting without fail unless his attendance is dispensed with and that the Petitioner shall report attendance before the jurisdictional Police Station once in a fortnight preferably on Sunday in between 10A.M. to 12 Noon for three months from the date of his actual release from the custody. The I.I.C., of jurisdictional Police Station shall not detain the Petitioner unnecessarily after recording his attendance beyond the time as stipulated.

It is clarified that the Court in seisin of the case will be at liberty to cancel the bail of the Petitioner without further reference to this Court, if any of the above conditions are violated or a case for cancellation of bail is otherwise made out.

7. Accordingly, the BLAPL stands disposed of.

8. Issue urgent certified copy of the order as per Rules.

(G. Satapathy)
Judge