

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11650 of 2021

Babu @Sk. Safiruddin

....

Petitioner

Mr. A.R. Panda, Advocate

-versus-

State of Orissa

....

Opposite Party

Mr. P.K. Pattanaik, A.G.A.

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

31.01.2022

Order No.

01.

1. This matter is taken up through video conferencing.
2. This is an application under Sec.439 Cr.P.C. for bail and the offences alleged are under Secs.21(b)/29 of the NDPS Act for alleged possession of 52 grams of brown sugar (heroin).
3. Heard Mr. A.R. Panda, learned counsel for the Petitioner as well as Mr. P.K. Pattanaik, learned A.G.A. for the State-Opposite Party.
4. It is submitted that the Petitioner is inside custody since 26.11.2021 and the basis of his implication is the confessional statement of the co-accused persons though no contraband was seized from his possession at the time of his arrest.

5. Having heard learned A.G.A. for the State-Opposite Party, it reveals that this Petitioner has two nos. of criminal antecedents. However considering the quantity of brown sugar which is below commercial quantity and the period of detention of the Petitioner inside custody, it is directed to release the Petitioner on bail in connection with Basta P.S. Case No.286/2021 corresponding to Special Case No.265/2021 on such terms and conditions to be fixed by the learned Sessions Judge-cum-Special Judge, Balasore as he deems just and proper including the condition that the Petitioner shall not be involved in any other offence while on bail and shall appear before the IIC, Basta P.S. once in each week till completion of trial.

6. The BLAPL is accordingly disposed of.

7. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout 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 Court's Office Order circulated vide Memo No.514, dated 7th January, 2022.

(B.P. Routray)
Judge