

(2024) 03 OHC CK 0220

In the Orissa High Court

Case No : Bail Application No. 880 Of 2024

Ralvin Patasani @ Lucky

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 27-03-2024

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439

Narcotics Drugs and Psychotropic Substances Act, 1985 — Section 21(b), 29, 37

Citation : (2024) 03 OHC CK 0220

Hon'ble Judges : Savitri Ratho, J

Bench : Single Bench

Advocate : Tanmaya Kumar Mohanty, S. Mishra

Final Decision : Disposed Of

Judgement

Savitri Ratho, J

1. This application under Section 439 of the Cr.P.C. has been filed in connection with Info City P.S. case No. 439 of 2023 corresponding to T.R. Case No. 674 of 2023, pending in the Court of the learned District and Sessions Judge-cum-Special Judge, Khurda at Bhubaneswar, where charge sheet dated 27.02.2024 has been submitted under Section 21(b)/29 of the N.D.P.S. Act against the present petitioner, co-accused Sushil Kumar Biswal and Pooja Mohanty.

2. This application has been listed before me as BLAPL No. 243 of 2024 filed by co-accused Pooja Mohanty had been disposed of by me on 09.02.2024.

3. The prayer for bail of the petitioner has been rejected on 05.01.2024 by the learned District and Sessions Judge, Khurda, At-Bhubaneswar.

4. The prosecution allegation in brief is that on 30.12.2023 morning, on receiving credible information regarding selling of brown sugar by the three accused persons at Chirgoltola Basti Play Ground under Infocity PS, the informant and her team went to the spot and detained the three accused persons. On search, 19

grams of brown sugar and cash of Rs.25,040/- was recovered from their conscious possession. On interrogation, they admitted to have come there to sell brown sugar to the general public and they were doing this business since long. As they could not produce any authority/license for possessing the brown sugar and cash, that was seized and they were arrested.

5. Mr. Tanmaya Kumar Mohanty, learned counsel for the petitioner submits that the petitioner is in custody since 30.12.2023, he does not have any criminal antecedents and 11.5 grams of brown sugar has allegedly been recovered from him and the rest was recovered from the co-accused. In view of the total quantity of brown sugar seized, Section 37 of the NDPS Act will not be a bar for consideration of the prayer for bail of the petitioner.

6. Mr. M.R. Mishra, learned Additional Standing Counsel opposes the prayer for bail stating that these types of crimes are increasing every day for which the petitioner should not be released on bail.

7. Considering the quantity of brown sugar allegedly seized from the petitioner, the submission that he does not have any criminal antecedents and as investigation has been completed, I am inclined to allow the prayer for bail of the petitioner.

8. The petitioner- Ralvin Patasani @ Lucky shall be released on bail on such terms and conditions as deemed fit and proper by the learned Court below in seisin over the matter, subject to verification that he has no criminal antecedents under the NDPS Act, including the following conditions.

(i) He will not indulge in any criminal activity while on bail.

(ii) He will not threaten or try to influence prosecution witnesses while on bail.

(iii) He will report before the IIC, Info City Police Station, Khurda at Bhubaneswar once on every alternate Sunday, for a period of 6 months or till completion of trial whichever is earlier.

(iv) He will not leave Bhubaneswar without prior permission of the learned trial court, once the trial starts.

9. Violation of any condition will entail in cancellation of bail/ recall of this order.

10. The BLAPL is accordingly disposed of.

11. Urgent certified copy of this order be granted on proper application.

12. Copy of this order be supplied to Mr. M.R. Mishra, learned Additional Standing Counsel for onward transmission to the IIC, Info City Police Station, Khurda at Bhubaneswar.

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