

(2024) 07 OHC CK 0098

In the Orissa High Court

Case No : Bail Application No. 6055 Of 2024

Rohan Khan @ Abdul Nadeem @ Sk Nadeem

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 26-07-2024

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439

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

Citation : (2024) 07 OHC CK 0098

Hon'ble Judges : V. Narasingh, J

Bench : Single Bench

Advocate : D.P. Mishra, P.K. Mohanty

Final Decision : Disposed Of

Judgement

V. Narasingh, J

1. Heard learned counsel for the Petitioner and learned counsel for the State.
2. The Petitioner is an accused in connection with T.R. Case No.43 of 2024 pending on the file of learned Sessions Judge, Sambalpur, arising out of SADAR P.S. CASE NO.78 OF 2024 for commission of offence alleged under Sections 21(C)/29 of the NDPS Act.
3. Learned counsel, on instruction, submits that except the present BLAPL, no other bail application of the Petitioner relating to the aforementioned P.S. case is pending in any other Court.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge-cum-Judge (Special Court), Sambalpur by order dated 23.05.2024 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel that the Petitioner is in custody since 15.05.2024 on the accusation of possessing 10,800 bottles of WINCEREX Cough Syrup bottles (each Jari packet containing 240 bottles of WINCEREX Cough

Syrup) having 100 ml each containing Codeine Phosphate is 2.160 kgs.

6. It is the further submission of learned counsel that the implication of the Petitioner is on account of co-accused statement and because of his criminal antecedent. Hence taking into account the substantial progress in investigation and the release of the co-accused by this Court by order dated 28.05.2024 in BLAPL Nos.5154 of 2024, 5172 of 2024 and by order dated 28.06.2024 in BLAPL No.6253 of 2024 and order dated 10.07.2024 in BLAPL Nos.3987 & 4178 of 2024 respectively, the Petitioner may be released on bail.

7. Learned counsel for the State opposes the prayer for bail in view of the bar contained in Section 37(1)(b)(ii) of the NDPS Act since Codeine Phosphate is more than the commercial quantity.

8. Taking into account the manner of accusation and release of the co-accused, this Court directs the Petitioner to be released on bail on such terms to be fixed by the learned Court in seisin.

9. Additionally, it is directed that the Petitioner shall appear before the jurisdictional police station twice every week on such date and time to be fixed by the learned Court in seisin till submission of final form. Certification of such appearance shall be submitted to the Court in seisin.

10. Accordingly, the BLAPL stands disposed of.

11. Urgent certified copy of this order be granted as per rules.

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