

(2023) 05 OHC CK 0305

In the Orissa High Court

Case No : Bail Application No. 5594 Of 2023

Sushanta Putel And Another

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 30-05-2023

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 274, 275, 276

Citation : (2023) 05 OHC CK 0305

Hon'ble Judges : G. Satapathy, J

Bench : Single Bench

Advocate : J. Behera, R. Tripathy

Final Decision : Disposed Of

Judgement

G. Satapathy, J

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 Petitioners for grant of bail in connection with Khaprakhhol P.S. Case No. 48 of 2023 corresponding to G.R. Case No. 260 of 2023 pending in the Court of learned SDJM, Patnagarh for commission of offence punishable U/Ss. 274/275/276 of the IPC, on the allegation of possessing 8 numbers of sealed Eskuf Cough Syrup bottles containing 100ml. each along with one empty Eskuf Cough Syrup bottle as well as 1 strip of Alprazolam tablets I.P 0.5Mg (Alzet-0.5) containing 10 tablets leaving 5 tablets already used.
3. Heard Mr. J. Behera, learned counsel for the Petitioners as well as Mr. R. Tripathy, learned ASC in the matter of the present bail application.
4. After having considered the rival submissions made and taking into consideration the nature and gravity of accusations raised against the Petitioners and keeping in view the the manner and circumstance of implication of the

present Petitioners and taking into account the pre-trial detention of the Petitioners since 14. 04.2023 and regard being had to the other circumstances on record in entirety including the progress of investigation and absence of any criminal antecedent against the petitioners, this Court admits the Petitioners to bail.

5. Hence, the bail application of the Petitioners stands allowed and the Petitioners are allowed to go on bail on furnishing bail bonds of Rs.20,000/- (Rupees Twenty 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 by it with following conditions:-

(i) the Petitioners shall not commit any offence while on bail

(ii) the Petitioners shall attend the trial Court on each date of posting without fail unless their attendance is dispensed with

(iii) the Petitioners shall not leave the jurisdiction of the trial Court without prior permission till disposal of the case

(iv) the Petitioners shall report attendance before the jurisdiction Police Station once in a fortnight preferably on Sunday in between 10 A.M. to 12 Noon for six (06) months from the actual date of their release from the custody.

The I.I.C. of Jurisdictional Police Station shall not detain the Petitioners unnecessarily after recording their attendance beyond the time as stipulated.

It is clarified that the Court in seisin of the case is at liberty to cancel the bail of the Petitioners 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. In the wake of aforesaid, the subsequent involvement of the Petitioners in future on prima facie accusations may be treated as a ground for cancellation of bail in this case.

6. Accordingly, the BLAPL stands disposed of.

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

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