

# **Rabi @ Rabindra Pradhan vs State Of Odisha .... Opp. Party on 8 December, 2021**

**Author: S.K. Sahoo**

**Bench: S.K. Sahoo**

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4686 of 2021

Rabi @ Rabindra Pradhan . . . . . Petitioner

Mr.Dharanidhar Nayak  
Senior Advocate

-versus-

State of Odisha . . . . . Opp. Party

Mr.J.P. Patra,  
Addl. Standing Counsel

CORAM:  
JUSTICE S.K. SAHOO  
ORDER

Order No. 08.12.2021

04. This matter is taken up through Hybrid arrangement (video conferencing/physical Mode).

Heard Mr.Dharanidhar Nayak, learned counsel for the petitioner and Mr. J.P. Patra, learned counsel for the State.

This is an application under section 439 of Cr.P.C. for grant of bail to the petitioner in connection with Badambadi P.S. Case No.142 of 2021 corresponding to G.R. Case No. 664 of 2021 pending in the Court of learned J.M.F.C.(City), Cuttack for alleged commission of offences under sections 417, 420, 272 and 273 of the Indian Penal Code, sections 51, 52, 57, 59 and 63 of the Food Safety and Standards Act, 2006 read with section 20(2) of // 2 // COTPA Act read with section 36 of Legal Metrology Act 2009. It is further submitted that the materials available on record would indicate that the petitioner was picked up on the way to be a witness to the search and seizure, but he has been falsely implicated as an accused in the case basing on his confessional statement before the police. It is the prosecution case that one Bijaya Kumar Kamani had taken rent of four rooms of the wife of Late Sudhakar Parida and huge quantity of 'Gutka' were seized from the rented rooms. Learned counsel further submitted that there are no criminal antecedents against the petitioner and in view of the period of detention of the petitioner in judicial custody, the bail application of the

petitioner may be favourably reconsidered.

Learned counsel for the State has produced the case diary and on verification of the same, he fairly submitted that there are no criminal antecedents against the petitioner. However, he placed the chemical examination report of the seized 'Gutka' which reveals that the sample contains nicotine, which is restricted for sale under regulation 2.3.4 of Food Safety and Standards (Prohibition and Restriction on Sales) Regulations, 2011.

Considering the submissions made by the learned counsel for the respective parties, nature of accusation against the petitioner, since the main allegation seems to be against the co-accused Bijaya // 3 // Kumar Kamani, absence of criminal antecedents against the petitioner and further taking into account his period of detention in judicial custody, I am inclined to release the petitioner on bail.

Let the petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.50,000/- (rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned Court in seisin over the matter with further conditions as the learned Court may deem just and proper with further conditions that the petitioner shall appear before the Inspector in-charge of Badambadi police station once in a week preferably on a Sunday in between 10.00 a.m. to 4.00 p.m. for a period of three months from the date of release, shall appear before the learned trial Court on each date when the case would be posted for trial, shall not indulge in any criminal activities and shall not try to tamper with the evidence. Violation of any of the conditions shall entail cancellation of bail.

BLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

PKSahoo

( S.K. Sahoo )  
Judge