

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.125 of 2022

Ratna Sabar @ Ratan

.... ***Petitioner***
Mr. S.S. Ray-2, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Ms. S.Mishra, ASC.

CORAM:
MR. JUSTICE D.DASH

ORDER
01.02.2022

Order No.

01. 1. This matter is taken up by video conferencing mode.
2. The Petitioner being in custody in connection with Puttasingh P.S. No.05 of 2021 corresponding to T.R. Case No. 07 of 2021 on the file of the learned Addl. Sessions Judge-cum-Special Judge, Gunupur running for commission of offence under section 20(A)/20(b)(ii)(C) of the NDPS Act, has filed this application under section 439 of the Cr.P.C. for his release on bail.
3. Learned Counsel for the Petitioner submits that this Petitioner was not present at the spot, when the members of raiding party comprising of members of police force and other officials arrived and nothing has been recovered from the possession of the Petitioner. He submits that without any basis, the Petitioner has been implicated in the case to be having the connection with the cultivation of the Hemp plant and procuring ganja thereby. It is submitted that the prosecution has

brought this Petitioner to the arena of the case in saying that he and others being present at the spot had managed to escape. In view of all these above, when according to him, the bar contained under section-37 of the NDPS Act does not stand on the way and there remains no scope for the Petitioner to flee from justice and tamper the evidence; he urges for grant of bail to the Petitioners.

4. Learned Counsel for the State opposes the move. According to her, this Petitioner was very much present at the spot and had managed to escape at the sight of the members of the raiding party and therefore he has rightly been attributed to be involved in cultivation of Hemp plants over the large tract of Government land as also the ganja seized at the spot.

5. Taking into account the submissions made; further keeping in view the materials on records as those stand against the Petitioner with other surrounding circumstances including the period of detention of the Petitioner in custody and on going through the order passed by the learned Addl. Sessions Judge-cum-Special Judge; in the absence of any such impediment; it is directed that the Petitioner be released on bail in the aforesaid case on such terms and conditions as deemed just and proper by the court in seisin of the case with further conditions that:-

1. he will appear in person before the Court in seisin of the case on each date of posting of the case without fail;
2. will not indulge himself in commission of similar type of offences; and

3. will appear before the IIC, Puttasingh P.S. every Monday in between 10 am to 3 pm till conclusion of the trial.
5. The BLAPL is accordingly disposed of.
6. 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 Nos.514 and 515 dated 7th January, 2022.

**(D.Dash),
Judge.**

Narayan

