

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.280 of 2022

Chandra Mohan Jena

....

Petitioner

Mr. A.R. Panda, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr.P.K. Pattnaik, AGA for State

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

01.02.2022

Order No.

01. 1. This matter is taken up through Video Conferencing mode.
2. This is an application under Section 439 Cr.P.C. filed by the Petitioner for bail in connection with Singla P.S. Case No.170 of 2021, corresponding to Special Case No.239 of 2021, pending in the file of learned Sessions Judge-cum-Special Judge, Balasore, for commission of alleged offences under Section 20(b)(ii)B/21(b)/29 of N.D.P.S. Act.
3. Heard learned counsel for both the parties. Perused the records.
4. Learned counsel for the Petitioner submits that Petitioner is in jail custody since the date of his arrest, i.e. 16.09.2021. It is submitted that Petitioner is an innocent person and the contraband articles has not been seized from the conscious possession of the Petitioner. The informant has falsely implicated the present Petitioner in the present case. It is submitted that Petitioner has no criminal antecedents of similar nature.

5. Learned counsel for the State vehemently objects the prayer for bail of the Petitioner. It is further submitted that a quantity of 2 Kgs. and 315 of Ganja and a quantity of 86 gms. of Brown Sugar have been recovered from the custody of the present Petitioner. However, he submits if the Petitioner is released on bail, stringent conditions may be imposed on the accused Petitioner.

6. Having heard learned counsel for the parties and considering the period of detention of the Petitioner, it is directed that the Petitioner be released on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty thousand) with one local surety for the like amount to the satisfaction of the learned court in seisin of the matter subject to conditions that the Petitioner shall not involve himself in any similar nature of offence particularly involving the offence under the NDPS Act.

7. Petitioner is also directed to appear before the I.O. on every Sunday between 11.00 A.M. to 1.00 P.M. once he comes out of the jail custody, till conclusion of trial. It is further directed that the court in seisin of the matter to verify the criminal antecedents of the Petitioner and impose any additional condition(s), if situation so warrants. This order shall remain valid in the event the court in seisin of the matter is satisfied that Petitioner has no criminal antecedents.

8. With the above direction, the BLAPL is accordingly allowed.

9. As the restrictions due to resurgence of COVID -19 situation are continuing, learned counsel for the parties may utilize a print out 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 Office Order dated 7th January, 2022.

(A.K. Mohapatra)
Judge

U.K.Sahoo

