IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.484 of 2022

Prabasi Gouda .... ***Petitioner***
Mr.Manoranjan Acharya, Advocate

-versus-

State of Odisha .... ***Opposite Party***
Mr.Karunakar Das, ASC

CORAM:
MR. JUSTICE D.DASH

ORDER
02.02.2022

Order No.

01. 1. This matter is taken up through video conferencing mode.

2. The Petitioner being in custody in connection with Aska P.S. Case No.530 of 2020 corresponding to G.R. Case No.15 of 2020(N) on the file of learned Special Judge-cum-Additional Sessions Judge, Aska, running for commission of offence under sections 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 as per the prosecution allegation the members of the police patrolling party found in total six persons including the present Petitioner sitting in the cement chair in the bus stand and each of them had kept bag near them. He further submits that the prosecution

version is that the bags being searched contraband ganjas have been recovered and seized and insofar as this Petitioner is concerned, the allegation is that the bag with which he is connected was containing 22.250 grams of ganja. He submits that co-accused similarly situated with the Petitioner has already been released on bail by order passed by this Court in BLAPL Nos.9399 & 9415 of 2020 and this Petitioner being the permanent resident of the district of Ganjam; there remains no scope of the part of the Petitioner to flee from justice and the question of tampering the evidence in the facts and circumstances of the case does not arise. He, therefore, urges for grant of bail to the Petitioner, as according to him, the bar contained under section 37 of the N.D.P.S. Act does not stand on the way.

4. Learned counsel for the State opposes the move in view of the quantity contraband seized from the possession of the Petitioner. He, however, does not dispute the factum of grant of bail to the co-accused persons who as per the prosecution case were sitting with this Petitioner.

4. Taking into account the submissions made; further keeping in view the materials on records as those stand against the Petitioner with other surrounding circumstances as also the period of detention of the Petitioner in custody and on going through the order passed by the learned Special Judge; 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 the

Petitioner shall appear in person before the Court in seisin of the case on each and every date of posting of the case till conclusion of the trial; will not indulge himself in commission of similar activity and shall not tamper the evidence of the prosecution witnesses in any manner.

5. The BLAPL is accordingly disposed of.

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

Himansu