

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL NO.486 OF 2021

Jitendra Rout

.... ***Petitioner***
Mr. R.N. Biswal, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. Karunakar Das, ASC.

**CORAM:
MR. JUSTICE D.DASH**

**ORDER
05.01.2022**

Order No.

- 03.
1. This matter is taken up through hybrids arrangement (virtual/ physical) mode.
 2. This is the second journey of the Petitioner, who is in custody in connection with Orkel P.S. Case No.142 of 2020 corresponding to T.R. Case No.84 of 2020 pending on the file of learned Sessions Judge-cum-Special Judge, Malkangiri running for the alleged commission of offence under section 25/27-A/29/20(b)(ii)(c) of the NDPS Act, in filing this application under section 439, Cr.P.C., for his release on bail in the above mentioned case.
 3. Learned Senior Counsel for the Petitioner submits that in the meantime, the investigation of the case is complete and the charge sheet has been filed placing the Petitioner for trial for commission of the offence under section 25/27-A/29/20(b)(ii)(C) of the NDPS Act. It is submitted that the projected prosecution case against the Petitioner is that he being a trader

had supplied the contraband ganja to the other accused person for sale. It is submitted that he was neither at the spot nor any material on record is there to show that the goods were originally brought from his custody. It is further submitted that in the meantime three co-accused persons, namely, Nilakantha Biswas, Bikram Nali @ Srinu Nali and Sukadev Bagachi have been released on bail by the orders passed by this Court in BLAPL No.6945 of 2020, BLAPL No.8959 of 2020 and BLAPL No.584 of 2021 respectively. He submits that in the given facts and circumstances, the bar contained under section 37 of the NDPS Act would not stand on the of grant of bail to the Petitioner. He, therefore, urges for grant of bail to the Petitioner as there remains no scope on his part to flee from justice and tamper the evidence.

4. Learned counsel for the State opposes the move in view of the quantity of ganja seized. He further submits that although this Petitioner was not present at the spot, yet those accused persons who were detained at the spot with the contraband ganja have instantly implicated the Petitioner and others to have been supplied ganja to them for their carriage to another State. He however submits that those accused persons namely, Guruprit Singh, Surendra Gadwa, Kamaljit Singh and Nilkamal Biswas are in custody.

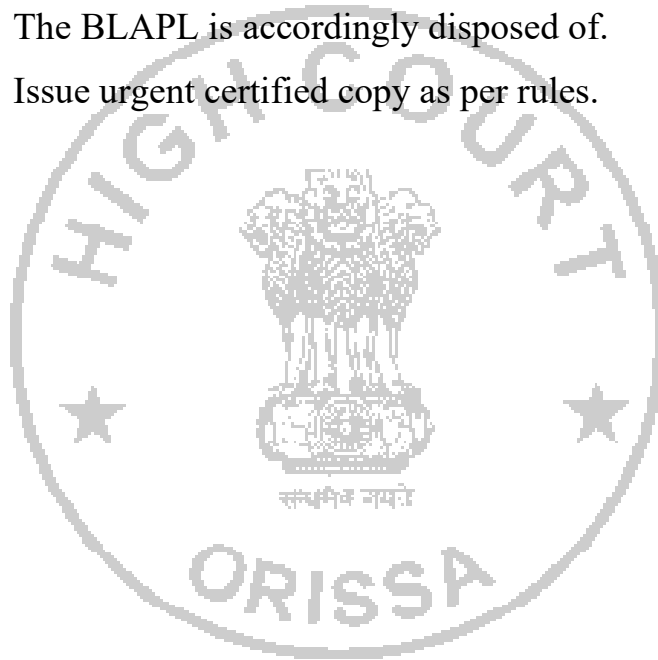
5. Considering the submissions made and on going through the materials as placed; further keeping in view the surrounding circumstances including the factum of detention of the Petitioner in custody as well as the grant of bail to the co-accused persons; while being inclined to reconsider the prayer

for grant of bail to the Petitioner; 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 that he will 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; and will not indulge himself in any similar type of offence.

Violation of any of the condition(s) shall entail cancellation of bail.

6. The BLAPL is accordingly disposed of.
Issue urgent certified copy as per rules.

Narayan



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