

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.526 of 2022

Akash Digal

.... ***Petitioner***
Mr.S. Dwibedi, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr.D.R. Parida, 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 Phulbani Sadar P.S. Case No.104 of 2020 corresponding to C.T. Case No.60 of 2020 on the file of learned Special Judge, Phulbani 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 no quantity of contraband ganja has been seized from the possession of the Petitioner and the accused, namely, Mantu Digal, who was detained at the spot and from whose possession the contraband had been seized has in the meantime been released on bail and the co-accused similarly situated with the

Petitioner has also been released on bail by order passed by this Court in BLAPL No.7970 of 2021. He further submits that the prosecution case against the Petitioner is that at the sight of the police, he with others managed to escape from the spot where accused Mantu Digal has been arrested. In view of all these above, he urges for grant of bail to this Petitioner, as according to him, the bar under section 37 of the NDPS Act does not stand on the way and there remains no scope on the part of the Petitioner to flee from justice and tamper the evidence.

4. Learned counsel for the State opposes the move in view of the quantity contraband seized. He, however, does not dispute the position that accused Rajib Digal arraigned in the case with the similar allegation has already been released on bail.

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 and will not indulge himself in commission of similar activity.

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.

Himansu

