

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.660 of 2022

Tapan Kanhar

....

Petitioner

Mr. S. K. Pattnaik, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. K.K. Nayak, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

02.02.2022

Order No.

- 01.
1. This matter is taken up through Video Conferencing Mode.
 2. Heard learned counsel for the parties. Perused the F.I.R., case diary and other relevant documents on record.
 3. This is an application under Section 439 of the Criminal Procedure Code.
 4. The Petitioner is an accused in 2(a) CC No.9 of 2021-N corresponding to P.R. No.144 of 2-21-22 pending in the court of learned Additional Sessions Judge-cum-Special Judge, Khallikote for commission of offence punishable under Section 20(b)(ii)(B) of the N.D.P.S. Act.
 5. It is alleged that 6 Kgs. contraband ganja has been was recovered from the conscious possession of the Petitioner.
 6. Learned counsel for the Petitioner submits that the Petitioner is in custody since 31.12.2021 and he has no criminal antecedents of similar nature of offence. Considering the quantity involved Section 37 of the N.D.P.S. is not attracted.
 7. Learned counsel for the State vehemently opposes the prayer for bail of the Petitioner.
 8. Having heard learned counsel for the parties and considering the

period of detention of the Petitioner and that Section 37 of the N.D.P.S. Act is not attracted, it is directed that let the Petitioner be released on bail on furnishing a bail bond of Rs.50,000/- (rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned court in seisin over the matter subject to conditions that the Petitioner shall not be involved in any offence of similar natures, he shall not tamper with the prosecution evidence or try to threaten or gain over witnesses in any manner whatsoever and shall not make any default in attending the court during trial on each date.

9. It is open for the court in seisin over the matter to impose other conditions may deem just and proper.

10. It is further directed that the bail granted to the Petitioner is subject to the condition that learned court below shall verify whether the Petitioner has any criminal antecedents of similar nature. In the event it is found that the Petitioner has any such criminal antecedents, this bail order shall automatically stands revoked.

11. The Bail Application is accordingly disposed of.

12. 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.