

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 898 of 2022

Rama Chandra Bagh @ Chandra Bagh **Petitioner**

Ms. S. Jena, Adv.

- Versus -

State of Odisha **Opposite party**

Mr. P. Tripathy, Addl. Standing Counsel

CORAM:
JUSTICE SASHIKANTA MISHRA

ORDER
30.09.2022

Order No.
05.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
3. As per surrender certificate filed in Court, the petitioner has surrendered to custody on 27.09.2022 after expiry of the period of interim bail.
4. The petitioner is in custody since 01.05.2021 having been remanded in connection with Semiliguda P.S. Case No.19 of 2021 corresponding to T.R. Case No.15 of 2021 pending in the Court of learned Addl. Sessions Judge-cum-Special Judge, Koraput for the alleged commission of offence under Sections 20(b)(ii)(C) of NDPS Act.
5. The prosecution case is that contraband ganja weighing 1577 Kg was found stored in an oil tanker and Innova vehicle. The driver and occupants of both the vehicles are said to have fled away. The petitioner while in custody in connection with another case was taken on remand in this case. There is however, no material to show that he was present at the spot or had any nexus with the occupants of the said vehicles, in which the contraband was kept.

6. Learned State Counsel has opposed the prayer for bail by submitting that the petitioner is a habitual offender having number of antecedents against his name.

7. Since a prima face case is not made out in so far as the present case is concerned, the petitioner cannot be detained in custody indefinitely only on the ground of antecedents. The bail application is therefore, allowed. Let the petitioner be released on bail on such terms and conditions as the court in seisin over the matter may deem fit and proper to impose including the following conditions:

(i) He shall furnish cash security of Rs.1,00,000/- (Rupees One Lakh).

(ii) He shall appear before the IIC of Semilliguda Police Station on every Sunday at 10 a.m. for a period of one year and such fact shall be certified by the IIC to the concerned Court in every month.

(iii) He shall not leave the territorial jurisdiction of this Court without obtaining leave.

(iv) He shall personally appear before the court below on each date of posting of the case and in case of even single default necessary orders shall be passed by the Court below to take him to custody again.

(v) In case of violation of any of the conditions, the order of this Court shall be treated as automatically cancelled.

8. BLAPL is accordingly disposed of.

9. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana