

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL NO.2246 OF 2022

Danu Khillo

.... ***Petitioner***
Mr.M. Padhy, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. S.Jena, ASC.

CORAM:
MR. JUSTICE D.DASH

ORDER
05.12.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This the second journey of this Petitioner, who is in custody in connection with Jeypore Sadar P.S. Case No.57 of 2021 corresponding to T.R. Case No.24 of 2021 on the file of learned Sessions Judge-cum-Special Judge, Koraput, running for alleged commission of offence under Section-20(b)(ii)(C) of the NDPS Act, in filing this application under Section-439 of the Cr.P.C. for his release on bail in the above mentioned case.
3. Learned counsel for the Petitioner submits that this Petitioner being the poor driver of the vehicle has been implicated in the case for transportation of 49 kgs. of ganja in 11 packets which have been recovered from the car in question. He further submits that at the time of interception of the

vehicle, the owner of the vehicle who happens to be the employer of the Petitioner was very much present. Therefore, in his presence, the contraband having been seized, the direct knowledge as to keeping of the same by this Petitioner is not readily inferable. He further submits that said owner-co-accused namely, Haresh Ranjan Hota has already been released on bail by order passed by this Court on 11.05.2022 passed in ABLAPL 3393 of 2021. In view of all these above, he urges for reconsideration for grant of bail to the Petitioner as there remains no scope on his part to flee from justice and the question of tampering the evidence does not arise, as according to him, the bar contained under section-37 of the N.D.P.S. Act at this stage does not stand on the way.

4. Learned counsel for the State opposes the move in view of the quantity of contraband ganja involved in the case. He further submits that merely for the presence of the owner of the vehicle in question, the petitioner cannot take the advantage in showing that he has absolutely no knowledge about the carriage of ganja in the vehicle.

5. Considering the submissions made; further keeping in view the materials on records as those stand against the Petitioner with the surrounding circumstances including the period of detention of the Petitioner in custody and the factum of grant of bail to the co-accused; while being inclined to reconsider the prayer for grant of bail to the Petitioner in the aforesaid case, 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 is seisin of the case with further conditions that:-

- 1) Petitioner 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;
- 2) will not indulge himself in commission of similarly activity; and
- 3) will not leave the jurisdiction of the Court in seisin of the case without prior permission of the Court.

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.

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

Narayan