

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL NO.1976 OF 2020

Bhusana @ Suman Singh

.... ***Petitioner***
Mr. M. Pandhy, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. D.R. Parida, ASC.

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

ORDER
03.03.2022

Order No.

- 03.
1. This matter is taken up by Video Conferencing mode.
 2. This is the second journey of the Petitioner who is in custody connection with Nandapur P.S. Case No.08 of 2019 corresponding to T.R. Case No.01 of 2019 on the file of learned Addl. Sessions Judge-cum-Special Judge, Koraput running for alleged commission of offence under section 20(b)(ii)(C)/29 of the NDPS Act, in filing this application under Section-439 of the Cr.P.C. for his release on bail.
 3. Learned counsel for the Petitioner submits that on the allegation that this Petitioner was involved in transportation of 64 Kgs. of contraband ganja in the vehicle, he being arrested in the case is in custody since 20.02.2019. He further submits that as per the prosecution allegation, this Petitioner was one among the persons sitting inside the vehicle at the relevant time. It is further submitted that no such material has been collected as regards loading of ganja in the said vehicle at any particular

point. Inviting the attention of this Court to the orders passed in BLAPL No.4380 of 2019, BLAPL No.1634 of 2020 and BLAPL No.1978 of 2020, he submits that co-accused persons similarly situated with the Petitioner have already been released on bail. He therefore submits that at this stage, the bar contained under Section -37 of the NDPS Act does not stand on the way of grant of bail to the Petitioner. In view of all these and when there is no scope on the part of the Petitioner to tamper the evidence; he urges for reconsideration of the prayer of grant of bail to the Petitioner.

4. Learned counsel for the State does not dispute the position with regard to grant of bail to the co-accused persons in the above noted BLAPLs. He also submits to have received instruction that the Petitioner is having no such criminal antecedent. He however opposes the move in view of the quantity of said contraband seized.

5. Taking into account the submissions made; further keeping in view the surrounding circumstances especially, the period of detention of the Petitioner in custody and on going through the order passed by the learned Special Judge; while being inclined to reconsider the prayer for grant bail to the Petitioner in the aforesaid case, it is directed that the Petitioner be released on bail on such terms and conditions as deemed just and proper by the court is seisin of the case with further conditions that:-

- 1) he shall furnish his address along with the contact mobile number by way of affidavit and in case of any change, shall intimate the same in that way;
- 2) shall appear before the Inspector-in-Charge of Sebarahin Police Station in the District of Kusunagar, State of Uttar Pradesh every Monday in between 10 am to 2 pm for a period of next six months; and
- 3) 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 except under some exceptional circumstance to the satisfaction 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.**