

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.2586 of 2022

Vicky Kumar

.... ***Petitioner***
Mr. Sk. Zafrulla, Advocate

-versus-

State of Odisha

.... ***Opposite Party***

Mr. P.C. Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
27.07.2022

Order No.

- 04.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the Petitioner and learned counsel for the State. Perused the F.I.R., case diary and other relevant documents as well as statement of the witnesses.
 3. This is an application under Section 439 of the Criminal Procedure Code.
 4. The petitioner is an accused in T.R. Case No.29 of 2021 arising out of Bissamcuttack P.S. Case No.14 of 2021 pending in the court of learned Additional Sessions Judge-cum-Special Judge, Gunupur for commission of offence punishable under Section 20(b)(ii)(C) of the N.D.P.S. Act.
 5. It is alleged that on 02.02.2021 at about 3.10 A.M. while S.I. of police Santoshi Barik, Bissamcuttack P.S. along with her staff was performing morning patrolling over Bissamcuttack area, received

information from reliable source that one Scorpio having registration No.JH-01-BW-8652 was proceeding towards Muniguda with contraband ganja. As per information, she caused along with his staff near Chandaguda Chowk and after a while aforementioned Scorpio came. She detailed the Scorpio, but in the meantime, the driver of the said vehicle fled away taking benefit of darkness and the petitioner was sitting on the front seat of that vehicle. On search she found there were 80 Kgs. of ganja which was kept in the dicky of the said vehicle in five different plastic bags. Hence this case.

6. It is submitted by learned counsel for the petitioner that the petitioner is in custody since 02.02.2021 and investigation of the case has been completed and charge-sheet in the case has been submitted.

7. Further, it is submitted by learned counsel for the petitioner that the petitioner is a student and he was sitting as a co-passenger in the vehicle, which intercepted by the police party and the driver of the said vehicle fled away from the vehicle by taking advantage of darkness. As the co-passenger, the petitioner had no knowledge about the contraband ganja was loaded with the said vehicle and since then he is custody. He further contends that the petitioner does not have any criminal antecedents. He also submits that there is no scope for absconding or fleeing from the hands of the justice and that the bail application of the petitioner may be considered.

8. Leaned Additional Standing Counsel for the State vehemently opposes the prayer for bail of the Petitioner and submits that number of such cases are increasing day-by-day and no leniency should be shown to the petitioner or similarly situated persons and that the petitioner belongs to the State of Bihar.

9. Having heard learned counsel for the parties and considering the period of custodial detention of the petitioner, 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 :-

- I. The petitioner shall not be involved in any offence of similar nature;
- II. he shall not tamper with the prosecution evidence or try to threaten or influence the witnesses in any manner whatsoever;
- III. he shall not make any default in attending the court during trial;
- IV. he shall appear before the concerned Police Station once in a month preferably on 'Sunday' in between 10.00 A.M. to 1.00 P.M. till conclusion of trial; and
- V. he shall not leave the jurisdiction of the Court in seisin over the matter and shall furnish his address and mobile number to the police from time to time.

Violation of any of the terms and conditions shall entail cancellation of bail.

10. It is open for the court in seisin over the matter to impose any other conditions as may be deemed just and proper.

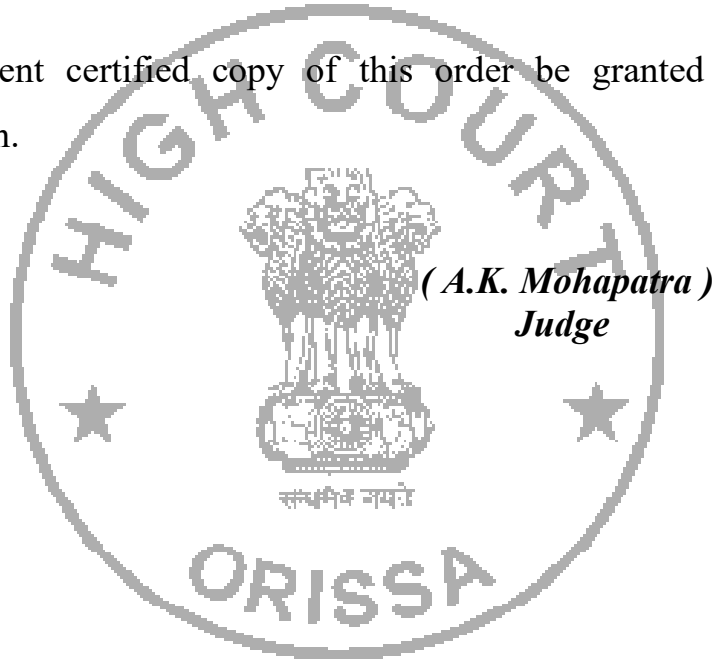
11. It is further directed that the bail granted to the Petitioner is

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 criminal antecedents, this bail order shall automatically stand revoked.

12. It is made clear that if the petitioner fails to attend the court on the date fixed on a single occasion, this order shall stand automatically revoked and the learned court below is at liberty to issue N.B.W. against the petitioner forthwith.

13. The Bail Application is accordingly disposed of.

Urgent certified copy of this order be granted on proper application.



Jagabandhu