

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3420 of 2022

Pramod Kumar Digal @ Pramod Digal ***Petitioner***

Mr.S.K.Dwibedi, Advocate

-versus-

State of Odisha ***Opposite Party***
Mr. M.K.Mohanty, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

16.05.2022

Order No.

01

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned Additional Standing Counsel.
3. This is an application under Section 439 of the Code of Criminal Procedure filed by the Petitioner for bail in connection with P.R. NO.45 of 2021-22 corresponding to 2(a) C.C.Case No.04 of 2022 pending in the Court of the learned Special Judge, Balliguda for alleged commission of offence under Sections 20(b)(ii) (C) of N.D.P.S.Act.
4. It is submitted by the learned counsel for the Petitioner that the Petitioner is languishing in custody since 03.03.2022. It is further submitted by the learned counsel for the Petitioner that the Petitioner has been falsely implicated in this case and the vehicle from which contraband ganja has been seized is not belonged to the present

Petitioner. The Petitioner was only plying the vehicle on the direction of the owner of the vehicle. He further submits that the Investigating Agency has not followed the mandatory requirements while conducting search and seizure. It is also submitted by the learned counsel for the Petitioner that since the Petitioner is a permanent inhabitant of the district of Kandhamal, there is no chance of absconding or fleeing from receiving justice and in the event of his release, he will appear before the trial court on each date of posting of the case and shall abide by the terms and conditions that may be imposed by this Court.

6. Learned Additional Standing Counsel vehemently opposes the prayer for bail of the Petitioner and submits that illegal trafficking of contraband articles is rising day by day and no leniency should be shown to the Petitioner or similarly situated persons.

7. Having heard learned counsel for the parties, considering the surrounding circumstances of the case and the period of custodial detention of the Petitioner and the fact that he was plying the vehicle from which contraband article has been seized, as per the direction of the owner of the vehicle and the mandatory requirements have not been followed while conducting search and seizure, I am inclined to grant bail to the Petitioner and it is directed that let the Petitioner be released on bail in the aforesaid case on furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand) with one local solvent surety for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following terms and conditions:

- i) he shall not indulge himself in any similar nature of offence.
- ii) shall appear before the trial court on each and every date fixed by the trial court till conclusion of trial.
- iii) shall not tamper with the prosecution evidence.

- iv) shall not influence or threaten any prosecution witnesses while on bail.
- v) he shall appear before the concerned Police Station once in a fortnight preferably on Sunday in between 10 A.M. to 1 P.M. till conclusion of trial.
- vi) Violation of any of the terms and conditions shall entail cancellation of bail.

8. The trial court may impose any other condition(s) as deem fit and proper.

9. 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 of similar nature, this bail order shall automatically stand revoked.

10. BLAPL is accordingly disposed of.

11. Issue urgent certified copy as per Rules.

RKS

