

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 2760 OF 2021

Lakshman Dubey

..... *Petitioner*
Mr. A. Das, Advocate

-versus-

State of Odisha

..... *Opposite Party*
Mr. P. Mohapatra, ASC

CORAM:
JUSTICE V. NARASINGH

ORDER
17.05.2022

Order No.

09.

1. This matter is taken up through Hybrid Mode.
2. The petitioner is an accused in T.R. Case No. 21 of 2021 on the file of the learned Sessions Judge-cum- Special. Judge, Nabarangpur arising out of P.S. Case No.136 of 2021 alleged for commission of offence Under Sections- 20(b)(ii)(c) of the NDPS Act.
3. Being aggrieved by the rejection of his application for bail U/Sec. 439 Cr.P.C by the learned. Sessions Judge-cum-Special. Judge, Malkangiri by Order dtd. 23.03.2021 in T.R. Case No. 21 of 2021, the present BLAPL has been filed.
4. Heard Mr. A. Das, learned counsel for the petitioner and Mr. P. Mohapatra, learned counsel for the State.

5. The prosecution case, in a nutshell, is that on 23.03.2021 at about 9.17 A.M. as per the direction of the IIC, the informant along with other police officials to detain a blue colour TATA Zest Car bearing Regd. No. BR-01-PH-1110 loaded with contraband articles and said contraband articles has been transported from Jeypore side to Bihar side and thereafter the informant along with other police officials had been to the spot and at about 11.30 A.M., they had found said Car and seeing police personnel, 3 persons from the car escaped inside cultivation land and thereafter Informant along with others chased them and stopped the car and found 2 persons were inside the said car including Driver and thereafter, they gave their identity and the Informant proceeded with the case, seized contraband articles.

6. Learned counsel for the petitioner submits that the petitioner is in custody since 23.03.2021. After completion of investigation, the police has already filed charge-sheet in the matter. It is further submitted that there is no material available against the petitioner and he has been falsely entangled in the case. Further the owner of the vehicle one Abhishek Pandey was also present at the spot but he fled away seeing the police team.

7. Learned counsel for the State vehemently opposes the bail application of the petitioner on the ground that the case of illegal trafficking of contraband article is increasing rapidly in the State of Odisha. It is further submitted that Petitioner is a man of Bihar and he will not cooperate in the trial in the event of release

on bail. It is submitted that no leniency should be shown to the accused person involving in such matters. Accordingly, he prays for rejection of the bail application of the petitioner.

8. Having heard learned counsel for the parties and considering the custodial detention of the petitioner and the peculiar facts and circumstances of the case, this Court is inclined to release the petitioner on bail subject to stringent conditions. Let the petitioner be released on bail subject to furnish bail bond of Rs.50,000/- (Rupees Fifty Thousand) with two subject sureties each 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 in similar nature of offence;
- (ii) He shall appear before the trial court on each and every date and shall cooperate for early conclusion of trial;
- (iii) He shall not tamper with the prosecution evidence and shall not make any attempt to influence or threaten the witnesses;
- (iv) He shall provide his address as well as his phone number to the concerned Police Station and keep the same updated in the event the same is changed in future;
- (v) He shall appear before the concerned Police Station once in a fortnight preferably on Sunday between 10.00 A.M to 1.00 P.M. till conclusion of trial.

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

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 antecedent of similar nature; this order shall automatically stand revoked.

10. The Bail Application thus stands disposed of.

11. Urgent certified copy of this order be granted as per rule.

Balaram



*(V.Narasingh)
Judge*