

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3518 of 2022

Govinda Sharma and another ***Petitioners***
Mr. Amitav Tripathy, Advocate

-versus-

State of Odisha ***Opposite Party***
Mr. K.K. Nayak, ASC for State

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. This is an application under Section 439 Cr.P.C. filed by the Petitioners for bail in connection with Phulbani Town P.S. Case No.218 of 2021, corresponding to C.T. Case No.126 of 2021, pending in the file of learned District and Sessions Judge -cum- Special Judge, Kandhamal, Phulbani, for commission of alleged offence under Sections 20(b)(ii)C of N.D.P.S. Act.
3. Heard learned counsel for both the parties. Perused the FIR, Case Diary and statement of witnesses.
4. Learned counsel for the Petitioners submits that Petitioners are languishing in jail custody since the date of their arrests, i.e. 27.12.2021 and further after completion of

investigation, police filed final charge-sheet in the matter. It is submitted that they have been falsely implicated in the case and there is no specific overt act against the present Petitioners. That the Petitioners are local residence of the area, therefore, there is no chance of their absconding in the trial of the case, if they are released on bail. It is also submitted that he is ready to abide by any terms and conditions as fixed by this Hon'ble Court in the event of bail.

5. Learned counsel for the State vehemently objects the prayer for bail of the Petitioners. It is submitted that now-a-days case of illegal trafficking of contraband articles are increasing day by day, therefore, no leniency should be shown to the present Petitioners, who are involved in such crime. Accordingly, he prays for rejection of their bail application.

6. Having regard to the facts and circumstances of the case, considering the nature and gravity of offences alleged and the period of detention of the Petitioners, this Court is inclined to release the Petitioners on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty thousand) each with one surety each for the like amount to the satisfaction of the learned court in seisin of the matter subject to the following conditions :

- i) They shall not involve themselves in any similar nature of offence particularly involving the offence under the NDPS Act;
- (ii) They shall appear before the trial court on each and every date as fixed by the court;

(iii) They shall appear before the I.O. once in a fortnight, preferably on Sunday at 10 A.M. to 1.00 P.M. and report to the police till end of trial;

(iv) They shall not tamper with the prosecution evidence;

(v) They shall not influence or threaten any prosecution witness and cooperate in the investigation;

(vi) They shall provide the present address and mobile numbers to the I.O. and if any changes therein shall also be intimated to the I.O.;

(vii) They shall not leave the jurisdiction of the court without special permission from the court; and

(viii) Violation of any of the above conditions shall entail cancellation of the bail.

7. It is further directed that the court in seisin of the matter to verify the criminal antecedents of the Petitioners and impose any additional condition(s), if situation so warrants. This order shall remain valid in the event the court in seisin of the matter is satisfied that Petitioners have no criminal antecedents.

8. With the above direction, the BLAPL is accordingly allowed.

9. Issue urgent certified copy of this order on proper application.

(A.K. Mohapatra)
Judge