

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3588 of 2022

Pankaj Kumar

.... Petitioner

Mr. Arijeet Mishra, Advocate

-versus-

State of Odisha

.... Opposite Party

Mr. M.K. Mohanty, A.S.C.

**CORAM:
JUSTICE A.K.MOHAPATRA**

**ORDER
14.08.2022**

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 Petitioner for bail in connection with Padmapur P.S. Case No.58 of 2021 corresponding to T.R. Case No.83 of 2021 pending in the Court of learned Addl. Sessions Judge-cum-Special Judge, Gunupur, Rayagada, for commission of alleged offence under Sections 20(b)(ii)(C) of the N.D.P.S. Act.
3. Heard learned counsel for both the parties. Perused the F.I.R., Case Diary and the statement of witnesses.
4. Learned counsel for the Petitioner submits that the Petitioner is languishing in jail custody for more than two years, i.e. since the date of his arrest on 30.07.2021. It is stated that the Petitioner is a resident of the State of Jharkhand and he was coming to Odisha in a vehicle. On the way, police detained his vehicle and on search, found 70kgs. of contraband ganja from that vehicle. It is further submitted

by learned counsel for the Petitioner that the Petitioner has no other criminal antecedent except the present one.

5. Learned counsel for the State vehemently objects to the prayer for bail of the Petitioner on the ground that the Petitioner was transporting contraband articles, and this type of illegal trafficking of contraband articles are increasing day by day these days. Therefore, no leniency should be shown to the present Petitioner, who is involved in such a crime. Accordingly, the learned A.S.C. prays for rejection of the bail of the Petitioner.

6. Having regard to the aforesaid facts and submission and considering the nature and gravity of the offence as alleged and the period of detention of the Petitioner in custody, this Court is inclined to release the Petitioner on bail on his furnishing 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, but subject to the following additional conditions –

- (i) The Petitioner shall not involve himself in any other offence of similar nature, particularly he shall not involve in the offence under the NDPS Act;
- (ii) He shall appear before the learned trial court on each and every date fixed for trial;
- (iii) He shall appear before the I.O. in every month, preferably on Sunday during 10 A.M. to 1.00 P.M. and shall report to the police;
- (iv) He shall not try to tamper with the prosecution evidence in any manner whatsoever;

(v) He shall not influence or threaten any prosecution witness and shall cooperate with the investigation by appearing before the I.O. as and when required.

(vi) He shall provide his latest present address and mobile number to the I.O. for communication, and if any changes happen thereafter, he shall also intimate the same to the I.O. with the up-to-date data.

(vii) He shall not leave the jurisdiction of the court in seisin over the matter without special permission from that court, failing which the learned trial court shall issue N.B.W.A. against the Petitioner.

Violation of any of the above conditions shall entail cancellation of bail of the Petitioner.

7. It is further directed that the court in seisin over the matter shall verify the criminal antecedents of the Petitioner and may impose any additional condition(s), if situation so warrants. This order shall remain valid, in the event the court in seisin over the matter is satisfied that the Petitioner has no other criminal antecedent of similar nature.

8. With the aforesaid directions and observations, this BLAPL is disposed of.

9. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge