

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3859 of 2022

Jayanta Meher & another ***Petitioners***
Mr. Dipak Ranjan Mishra, Advocate

-versus-

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

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
18.05.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This Petitioners have been languishing in jail custody since 08.04.2022, in connection with Tumudibandha P.,S. Case No.23 of 2022, arising out of C.T. Case No.23 of 2022, pending in the court of learned Special Judge-cum-A.D.J., Balliguda, for commission of alleged offences 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 custody since the date of their arrest, i.e. from 08.04.2022. It is further submitted that the

present Petitioners are no way connected with the alleged offences and have been falsely implicated in this case only to harass and humiliate them. It is further submitted that the legal evidence is lacking in the present case in respect of the alleged offences. The further submission is that a quantity of 22.200 grams of contraband articles has been seized from the custody of the Petitioners, which is less than the commercial quantity, therefore Section 37 of the N.D.P.S. Act is not attracted to the case of the present Petitioners. Accordingly, he urges for bail of the present Petitioners.

5. Learned counsel for the State vehemently opposes the bail application of the Petitioners on the ground that the case of illegal trafficking of contraband article is increasing rapidly in the State of Odisha, therefore, no leniency should be shown to the accused person involving in such matters. Accordingly, he prays for rejection of the bail application of the Petitioners.

6. Having heard learned counsel for the parties and considering the custodial detention of the Petitioners and the peculiar facts and circumstances of the case, this Court is inclined to release the Petitioners on bail subject to stringent conditions. Let the Petitioners be released on bail subject to furnishing bail bond of Rs.50,000/- (Rupees Fifty thousand) each with one solvent surety 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) They shall not indulge in similar nature of offence;

ii) They shall appear before the trial court on each and every date and shall cooperate for early conclusion of trial;

iii) They shall not tamper with the prosecution evidence and shall not make any attempt to influence or threaten the witnesses;

iv) They shall provide their address as well as their phone numbers to the concerned Police Station and keep the same updated in the event the same is changed in future;

v) They shall appear before the concerned Police Station once in a fortnight preferably on Sunday between 10 A.M. to 1 P.M. till conclusion of trial.

vi) They shall not leave the jurisdiction of the court without prior permission of the trial court;

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

8. It is further directed that the bail granted to the Petitioners is subject to the condition that learned court below shall verify whether the Petitioners have any criminal antecedents of similar nature. In the event it is found that the Petitioners have any criminal antecedent of similar nature, this order shall automatically stand revoked.

9. With the aforesaid observation the BLAPL stands disposed of.

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

(A.K. Mohapatra)
Judge