

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3875 of 2022

Durba Tangulu @ Durlaba

..... Petitioner
Mr. J.K. Panda, Advocate

-versus-

State of Orissa

..... Opposite Party
Mr. M.K. Mohanty, A.S.C. for State

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
19.05.2022

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 Petitioner for bail in connection with Orkel P.S. Case No.71 of 2022, corresponding to Special G.R. Case No.62 of 2022, pending in the file of learned Sessions Judge-cum-Special Judge, Malkangiri, for commission of alleged offences under Sections 21(b)(ii)(C) of N.D.P.S. Act.
3. Heard learned counsel for both the parties. Perused the case records and the statement of witnesses.
4. Learned counsel for the Petitioner submits Petitioner is languishing in jail custody since the date of his arrest, i.e. 23.04.2022. It is further submitted that the entire allegations made in the FIR does not make out a prima facie case against the Petitioner and the Investigation Officer has not complied with the provision of Sections 42, 50, 57 of the NDPS Act. The further submissions is that

Petitioner is a resident of the locality, therefore, there is no chance to avoid the trial of the case and abide by the terms and conditions as would be deemed fit and proper by this Court in the event Petitioner is released on bail.

5. Learned counsel for the State vehemently objects the prayer for bail of the Petitioner on the ground that Petitioner has been implicated in serious allegations and accordingly submits that no leniency should be shown in view of the fact such type of offences are increasing day by day in the State.

6. Having heard learned counsel for the parties, considering the nature and gravity of offences alleged and the period of detention of the Petitioner, this Court is inclined to release the Petitioner on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty thousand) with one local surety for the like amount to the satisfaction of the learned court in seisin of the matter subject to conditions that the Petitioner shall not involve himself in any similar nature of offence particularly involving the offence under the NDPS Act. He shall not tamper with the prosecution witnesses or show threat to the witnesses.

7. Petitioner is also directed to appear before the local police station at an interval of every fifteen days between 11.00 A.M. to 1.00 P.M. on a working day once he comes out of the jail custody. It is further directed that the court in seisin of the matter to verify the criminal antecedents of the Petitioner 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 Petitioner has no criminal antecedents.

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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

U.K.Sahoo

