

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3886 of 2022

Akash Malik & others ***Petitioners***
Mr.Smruti Ranjan Mohapatra, 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 15.02.2022 in connection with P.R. No.51 of 2021-22 (Jajpur Range), arising out of C.T. Spl.(NDPS) Case No.09 of 2022, pending in the court of learned Special Judge-cum-Sessions Judge, Jajpur, for commission of alleged offences under Sections 20(b)(ii)(B) 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 no way connected with the alleged offences and a false case has been foisted against the present Petitioners.

Further nothing has been seized from the conscious possession of the Petitioners. It is alleged that 4 Kgs. of contraband ganja has been recovered from the possession of the present Petitioners, which is much less than the commercial quantity, therefore Section 37 of the NDPS Act is not a bar for consideration of bail of the present Petitioners. Due to long detention in jail custody, the family members are also suffering for their bread and butter. 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