

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4155 of 2022

Sk.Sirajul & another

....

Petitioners

Mr.Arun Ku. Das(1), Advocate

-versus-

State of Odisha

....

Opposite Party

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

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. Heard learned counsel for the Petitioners as well as learned Additional Standing Counsel.
3. This is an application under Section 439 of the Code of Criminal Procedure filed by the Petitioners for bail in connection with P.R.No.21/2022-2023 corresponding to Spl.Case No.89 of 2022 pending in the Court of the learned Special Judge, Balasore for alleged commission of offence under Sections 20(b)(ii) (C) of the N.D.P.S.Act.
4. It is submitted by the learned counsel for the Petitioners that the Petitioners are languishing in custody since 23.04.2022. It is further submitted by the learned counsel for the Petitioners that the quantity of ganja seized from the Petitioners is 23kg. It is also submitted by the learned counsel for the Petitioners that since the Petitioners are a residents of their village, there is no chance of

absconding or fleeing from receiving justice and in the event of his release, they will appear before the trial court on each date of posting of the case and shall abide by the terms and conditions that may be imposed by this Court.

6. Learned Additional Standing Counsel vehemently opposes the prayer for bail of the Petitioners and submits that illegal trafficking of contraband articles is rising day by day and no leniency should be shown to the Petitioners or similarly situated persons. Moreover the Petitioners are outsiders.

7. Having heard learned counsel for the parties, considering the surrounding circumstances of the case and the period of custodial detention of the Petitioners and the fact that the quantity of ganja seized from the possession of the Petitioners is 27 kg.500 gms., I am inclined to grant bail to the Petitioners and it is directed that let the Petitioners be released on bail in the aforesaid case on furnishing a bail bond of Rs.50,000/- (Rupees Fifty thousand) each with two local solvent sureties 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 himself in any similar nature of offence.
- ii) shall appear before the trial court on each and every date fixed by the trial court till conclusion of trial.
- iii) shall not tamper with the prosecution evidence.
- iv) shall not influence or threaten any prosecution witnesses while on bail.
- v) they shall appear before the concerned Police Station once in a fortnight preferably on Sunday in between 10 A.M. to 1 P.M. till conclusion of trial.
- vi) Violation of any of the terms and conditions shall entail

cancellation of bail.

8. The trial court may impose any other condition(s) as deem fit and proper.
9. It is further directed that the bail granted to the Petitioners are 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 antecedents of similar nature, this bail order shall automatically stand revoked.
10. BLAPL is accordingly disposed of.
11. Issue urgent certified copy as per Rules.

RKS

