

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL NO.4251 OF 2022

Amal Dey

.... ***Petitioner***
Mr. S. Udagata, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. S.K. Nayak, ASC.

CORAM:

MR. JUSTICE D.DASH

ORDER

23.09.2022

Order No.

02.

1. This matter is taken up through hybrids arrangement (virtual/ physical) mode.

2. This is the second journey of the Petitioner, who is in custody in connection with Mathili P.S. Case No.110 of 2020 corresponding to T.R. No.81 of 2020 pending on the file of learned Sessions Judge-cum-Special Judge, Malkangiri, running for the alleged commission of offence under section- 20(b)(ii)(C)/27-A of the NDPS Act, in filing this application under section 439, Cr.P.C., for reconsideration of the prayer for grant of bail to the Petitioner in the above mentioned case.

3. Learned Counsel for the Petitioner submits that this Petitioner being arrested in the case is in custody since February, 2021 and the allegation against him is that he with others had financed the co-accused persons, who had come to the State to collect contraband ganja for this Petitioner and others. He submits that as against this Petitioner save and except the statement of co-accused persons, no other independent material has been collected even to remotely connect this petitioner with the collection and transportation of contraband ganja in the vehicle, which was intercepted and seized. He submits that in the meantime similarly situated co-accused, namely, Raju Dey has already been released on bail by order passed by this Court on 15.09.2022 in BLAPL No.4025 of 2022 and other accused persons arrested from the spot

are also on bail. He, therefore, urges for reconsideration of the prayer for bail to the Petitioner as his further detention in custody would serve no useful purpose.

4. Learned counsel for the State opposes the move. According to him, the materials on record show that the accused persons arrested at the spot were acting under the direction and supervision of this Petitioner and others who are the ultimate receivers and beneficiaries. He, however, does not dispute that co-accused, namely, Raju Dey similarly situated with the Petitioner has in the meantime been released on bail.

5. Taking into account the submissions made; further keeping in view the materials on records as those stand against the Petitioner as also the surrounding circumstances and the period of detention of the Petitioner in custody; while being inclined to reconsider the prayer for grant bail to the Petitioner in the aforesaid case, it is directed that the Petitioner be released on bail on such terms and conditions as deemed just and proper by the Court in seisin of the case with further conditions that:-

1. Petitioner will appear in person before the Court in seisin of the case on each date of posting the case till conclusion of the trial;
2. will appear in person before the IIC, Mathili P.S. every Monday in between 10 am to 2 pm till conclusion of the trial; and
3. will not indulge himself in commission of similar type of offences.

Violation of any of the condition(s) shall entail cancellation of bail.

6. The BLAPL is accordingly disposed of.

Issue urgent certified copy as per rules.

**(D. Dash),
Judge.**