

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No. 3378 OF 2021

Stephen Tiggo@Stiphan Tiggo

..... *Petitioner*
Mr. S.K.Bhanjadeo, Adv.

-versus-

State of Odisha

..... *Opposite Party*
Mr. D.Mund, AGA

CORAM:
JUSTICE V. NARASINGH

ORDER
04.04.2022

Order No.
07.

1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel for the parties.
3. The Petitioner is an accused in connection with Gochhapada P.S. Case No. 47 of 2020 corresponding to C.T.Case No.43 of 2020 on the file of learned District & Sessions Judge-cum-Special Judge, Phulbani, Kandhamal, registered for the alleged commission of offence under Sections 20(b)(ii)C and 29 of the NDPS Act and is in custody since 18.8.2020.
4. Being aggrieved by the rejection of his application for bail U/s 439 Cr.P.C. by the learned District & Sessions Judge-cum-Special Judge, Phulbani, Kandhamal, by order dated 26.08.2020, the present BLAPL has been filed.
5. The brief fact of the case is that while the informant along with their staff were performing patrolling duties got information from the reliable sources that five accused persons

were transporting 'Ganja' in a Maruti Suzuki Swift Car from Salaguda area to Kantamal Sahi. Thereafter, it was alleged that the informant along with their staff detained the vehicle and seized three number of poly bags containing 'Ganja' from the dickey of the said car. Thereafter, it was further alleged that the informant and their staff in presence of the weighman detected all total 102 Kgs of 'Ganja' from three poly bags seized from the dickey of the said car.

6. Learned counsel for the petitioner submits that no contraband article has been recovered from the conscious possession of the petitioner. He further submits that since five persons were travelling in the said vehicle and the contraband article was kept inside the dickey of the said vehicle, it was not made clear that whose article was that. It was recovered from the vehicle and as the petitioner was travelling in the said vehicle, he was entangled in this case. Charge-sheet in this case has been submitted before the court below. Two co-accused persons, who are similarly situated with the petitioner, have already been granted with bail by order of this Court in BLAPL Nos.8748 & 6106 of 2020.

7. Learned counsel for the State opposes the move in view of the Bar contain under Section 37 of the NDPS Act.

8 Considering the submissions and the facts and circumstances of the case and taking into account the release of the co-accused persons by orders of this Court referred to above and also in view of the fact that trial has not commenced, it is

directed that the petitioner be released on bail in the aforesaid case by furnishing cash security/property security of Rs.3,00,000/- (Rupees three lakhs) besides a bond of Rs.20,000/- (Rupees twenty thousand) with two local sureties each of the like amount to the satisfaction of the learned court in seisin over the matter with further conditions that:

- i) he shall appear before the court below on each date of posting of the case;
- ii) he shall not indulge himself in any criminal offence while on bail and
- iii) he shall not temper with the prosecution evidence in any manner.

- 9. Accordingly, the BLAPL stands disposed of.
- 10. Issue urgent certified copy of this order as per Rules.

(V.Narasingh)
Judge

Dhal