

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3520 of 2021

K.Srinu

.... ***Petitioner***
Mr.R.L.Patnaik, Advocate

-versus-

State of Odisha

.... ***Opp. Party***
Mr.S.Mishra, A.S.C..

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

27.09.2022

Order No.

06.

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 Mathili P.S.Case No.123 of 2019 corresponding to T.R.Case No.99 of 2019 pending in the file of the learned Sessions Judge-cum- Special Judge, Malkangiri. for commission of alleged offences under Sections 20(b)(ii)(c) of N.D.P.S. Act.
3. Heard learned counsel for the Petitioner and the learned Additional Standing Counsel.
4. It is submitted by the learned counsel for the Petitioner that the Petitioner is in custody since 15.03.2021. Further, it is submitted by the learned counsel for the Petitioner although investigation has been concluded and charge sheet has been filed but trial has not commenced. It is also submitted by the learned counsel for the Petitioner that the

Petitioner was taken on remand in this case although he was arrested in a criminal case and was in custody. It is further contended that the quantity of ganja seized was 105 kg. and recovered from the possession of the present Petitioner. Further relying upon the decision of **Tofan Singh vrs. State of Tamilnadu** : reported in **(2021) 4 SCC 1**, learned counsel for the Petitioner submits that the confessional statement of the co-accused is not admissible and therefore, the Petitioner is entitled to be released on bail on such ground.

5. On the other hand learned Additional Standing Counsel submits that the Petitioner has one criminal antecedents and therefore his involvement in this case cannot be ruled out at this stage. He further submits that the case is ready for trial.

5. Having regard to the facts and circumstances of the case, considering the nature and gravity of offense alleged and the period of detention of the petitioner and the law laid down by the Hon'ble Supreme Court in **Tofan Singh vrs. State of Tamilnadu** : reported in **(2021) 4 SCC 1**, this Court is inclined to release the Petitioner on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty thousand) with two local sureties each for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following conditions.

- i) He shall appear before the trial court on each and every date as fixed by the Court.
- ii) He shall appear before the I.O. on every fortnight preferably on Sunday at 10 A.M. to 1 P.M. and report to the Police.
- iii) He shall not tamper with the prosecution evidence;
- iv) He shall not influence or threaten any prosecution witness

and cooperate in the investigation.

- v) He shall not leave the jurisdiction of the court without special permission from the court.
- v) Violation of any of the conditions shall entail cancellation of bail.

7. It is further directed that the Court in seisin over 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 the Petitioner has no criminal antecedents.

8. With the above direction the BLAPL is accordingly disposed of.

9. Issue urgent certified copy of this order as per Rules.



RKS