

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4479 of 2022

Deba Madkami

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

-versus-

State of Odisha

.... ***Opposite Party***
Mr. P.C.Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

20.05.2022

Order No.

01

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned Additional Standing Counsel.
3. This is an application under Section 439 of the Code of Criminal Procedure filed by the Petitioner for bail in connection with Kalimela P.S.Case No.106 of 2022 corresponding to Special G.R.Case No.63 of 2022 pending in the Court of the learned Sessions Judge-cum-Special Judge, Malkangiri 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 Petitioner that the Petitioner is languishing in custody since 22.04.2022. It is further submitted by the learned counsel for the Petitioner that the Petitioner who was the rider of a CD Deluxe motor cycle bearing Registration No.OD-10-L-7612 was obstructed by the Police party and conducted search and on search it was found that the Petitioner was carrying

ganja in a bag measuring 41 kg. 60 gms, which has been marked as Ext.C after seizure. It is further submitted by the learned counsel for the Petitioner that the Petitioner has no criminal antecedent and he is a permanent resident of village Malkangiri, there is no chance of absconding or fleeing from receiving justice and in the event of his release, he 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 Petitioner 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.

7. Having heard learned counsel for the parties, considering the surrounding circumstances of the case and the period of custodial detention of the Petitioner and the fact that the quantity of ganja seized from the possession of the Petitioners is 41 kg 60 gms, I am inclined to grant bail to the Petitioner and it is directed that let the Petitioner be released on bail in the aforesaid case on furnishing a bail bond of Rs.50,000/- (Rupees Fifty thousand) 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) he 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) he shall appear before the concerned Police Station once in a fortnight preferably on Sunday in between 10 A.M. to

1 P.M. till filing of charge sheet.

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. BLAPL is accordingly disposed of.

10. Issue urgent certified copy as per Rules.

RKS

(A.K. Mohapatra)
Judge

