

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4553 of 2022

Suman Mandal and another *Petitioners*
Mr. A.R. Panda, Advocate
-versus-

State of Odisha *Opposite Party*
Mr. M.K. Mohanty, 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 Petitioners and learned counsel for the State. Perused the F.I.R., case diary and other relevant documents as well as statement of the witnesses.
3. This is an application under Section 439 of the Criminal Procedure Code.
4. The petitioners are accused in Special Case No.85 of 2022 arising out of Balasore Excise P.R. Case No.18 of 2022 pending in the court of learned Sessions Judge-cum-Special Judge, Balasore for commission of offence punishable under Section 20(b)(ii)(C) of the N.D.P.S. Act.
5. It is submitted by learned counsel for the petitioners that the petitioners have been falsely implicated in the present case and that he is in custody since 21.04.2022 and investigation of the case has

been completed and charge-sheet in the case has been submitted. He also submits that there is no scope for absconding or fleeing from the hands of the justice and that the bail application of the petitioners may be considered.

6. Mr. Mohanty, learned counsel for the State opposes the prayer for bail of the petitioners and submits that number of such case are increasing day-by-day and no leniency should be shown to the Petitioners or similarly situated persons and that the petitioners are outsider in the State of West Bengal.

7. Having heard learned counsel for the parties and considering the period of custodial detention of the petitioners, it is directed that let the petitioners be released on bail 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 conditions that :-

- I. The Petitioners shall not be involved in any offence of similar nature;
- II. they shall not tamper with the prosecution evidence or try to threaten or influence the witnesses in any manner whatsoever;
- III. they shall not make any default in attending the court during trial;
- IV. they shall appear before the concerned Police Station once in a month preferably on 'Sunday' in between 10.00 A.M. to 1.00 P.M. till conclusion of trial; and
- V. they shall not leave the jurisdiction of the Court

in seisin over the matter and shall furnish their address and mobile number to the police from time to time.

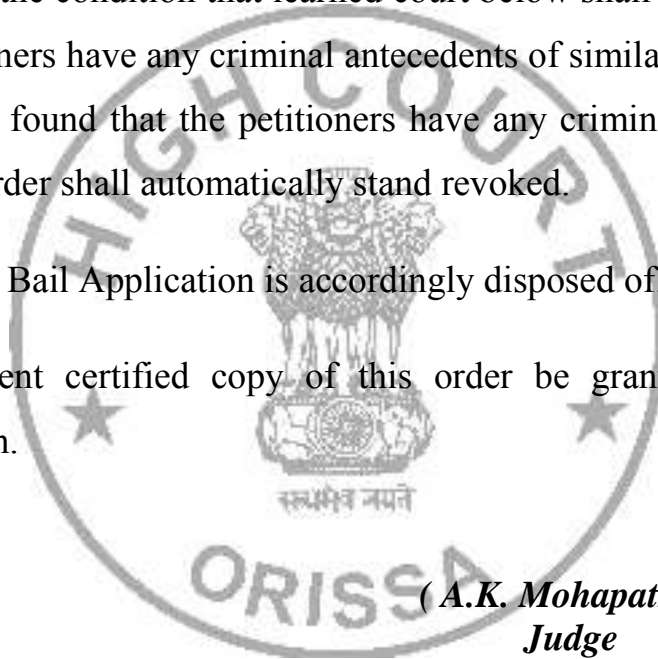
Violation of any of the terms and conditions shall entail cancellation of bail.

8. It is open for the court in seisin over the matter to impose other conditions as may be deemed just and proper.

9. It is further directed that the bail granted to the petitioners is 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, this bail order shall automatically stand revoked.

10. The Bail Application is accordingly disposed of.

Urgent certified copy of this order be granted on proper application.



(*A.K. Mohapatra*)
Judge