

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4602 of 2022

Mithun Kumar & another *Petitioners*
Mr. Debasis Mishra, Advocate
-versus-
State of Odisha *Opposite Party*
Mr. S.K. Mishra, Standing Counsel

CORAM:
JUSTICE A.K. MOHAPATRA

ORDER
13.06.2022

Order No.

01. 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 Petitioners for bail in connection with 2(a) C.C. Case No.24 of 2022, corresponding to Excise EI & EB, Unit-1, Cuttack, P.R. Case No.27 of 2022-23, pending in the court of District and Sessions Judge-cum-Special Judge, Cuttack, for commission of alleged offences under Sections 20(b)(ii)(C) of the N.D.P.S. Act.
3. Heard learned counsel for both the parties. Perused the FIR, Case Diary and statement of witnesses.
4. Learned counsel for the Petitioners submits that the Petitioners are in custody since 23.04.2022. It is further submitted that Petitioners are innocent persons and they have

been falsely implicated in the present case. It is further submitted that in the event Petitioners are released on bail, they shall abide by the terms and conditions as would be fixed by this Court. Accordingly, he urges for bail of the present Petitioners.

5. Learned counsel for the State vehemently opposes the bail application of the Petitioners on the ground that the case of illegal trafficking of contraband ganja is increasing rapidly in the State of Odisha, therefore, no leniency should be shown to the accused person involving in such matters. However, he submits that a quantity of 25 kgs. of contraband ganja has been recovered from the possession of the Petitioners. It is further presumed that the Petitioners after released on bail may not cooperate the trial of the case and fled away to their native land i.e. to the State of Bihar. Accordingly, he prays for rejection of the bail application of the Petitioners.

6. Having heard learned counsel for the parties and considering the custodial detention of the Petitioner and the peculiar facts and circumstances of the case, this Court is inclined to release the Petitioners on bail subject to stringent conditions. Let the Petitioners be released on bail subject to furnishing bail bond of Rs.30,000/- (Rupees Thirty thousand) each 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 terms and conditions :

- i) They shall not indulge in similar nature of offence;

ii) They shall appear before the trial court on each and every date and shall cooperate for early conclusion of trial;

iii) They shall not tamper with the prosecution evidence and shall not make any attempt to influence or threaten the witnesses;

iv) They shall provide their address as well as their phone numbers to the concerned Police Station and keep the same updated in the event the same is changed in future;

v) They shall appear before the concerned Police Station once in a fortnight preferably on Sunday between 10 A.M. to 1 P.M. till conclusion of trial.

vi) They shall not leave the jurisdiction of the court without prior permission of the trial court;

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

8. It is further directed that the bail granted to the Petitioners are 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 of similar nature, this order shall automatically stand revoked.

9. With the aforesaid observation the BLAPL stands disposed of.

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

(A.K. Mohapatra)
Vacation Judge