

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4919 of 2022

Aloke Khan and another *Petitioners*
Mr. A.R. Panda, Advocate
-versus-
State of Odisha *Opposite Party*
Mrs. S. Rani Sahoo, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
17.06.2022

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.108 of 2022 arising out of Balasore Excise P.R. Case No.20 of 2022 pending in the court of learned Sessions Judge-cum-Special Judge, Balasore for commission of offence punishable under Sections 20(b)(ii)(C)/8(C) of the N.D.P.S. Act.
5. It is submitted by the learned counsel for the Petitioners that the Petitioners are languishing in custody since 18.05.2022. It is further submitted by the learned counsel for the Petitioners that there is no specific allegation against the Petitioners that they were in

exclusive and conscious possession of the alleged contraband articles. It is also submitted by the learned counsel for the Petitioners that there is no chance of absconding or fleeing from receiving justice and in the event of their release, they 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 Petitioners 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 Petitioners, I am inclined to grant bail to the Petitioners and it is directed that let the Petitioners be released on bail in the aforesaid case on furnishing a bail bond of Rs.30,000/- (rupees thirty 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. 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. he 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 his 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 any 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. It is made clear that if the petitioners fail to attend the court on the date fixed on a single occasion, this order shall stand automatically revoked and the learned court below is at liberty to issue N.B.W. against the petitioners forthwith.

11. The Bail Application is accordingly disposed of.

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

(A.K. Mohapatra)
Vacation Judge