

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5167 of 2022

Sathia @ Satyaban Dalabehera ***Petitioner***
Mr. Jayadeba Behera, Advocate

-versus-

State of Odisha ***Opposite Party***
Mr. M.K. Mohanty, ASC

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
29.06.2022

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 Petitioner for bail in connection with Itamati P.S. Case No.70 of 2022, corresponding to Spl. G.R. Case No.40 of 2022, pending in the court of Sessions Judge-cum-Special Judge, Nayagarh, for commission of alleged offences under Sections 20(b)/29 of N.D.P.S. Act, 1985.
3. Heard learned counsel for both the parties. Perused the FIR, Case Diary and statement of witnesses.
4. Learned counsel for the Petitioner submits that the Petitioner is in custody since 30.04.2022. It is further submitted the allegation made against the Petitioner is totally false and fabricated one and nothing has been seized from the exclusive and conscious possession

of the Petitioner and investigation of the case has been substantially progressed. So there is no chance of tampering with the prosecution evidence, if enlarged on bail. It is submitted that Petitioner has one criminal antecedent in Itamati P.S. Case No.71/2021.

5. Learned counsel for the State vehemently opposes the bail application of the Petitioner 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 10 grams of brown sugar has been seized from the Petitioner. Accordingly, he prays for rejection of the bail application of the Petitioner. It is also submitted that all the co-accused persons have been released on bail by this Hon'ble Court.

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 Petitioner on bail subject to stringent conditions. Let the Petitioner be released on bail subject to furnishing bail bond of Rs.50,000/- (Rupees Fifty thousand) each with one local surety 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 in similar nature of offence;
- ii) He shall appear before the trial court on each and every date and shall cooperate for early conclusion of trial;
- iii) He shall not tamper with the prosecution evidence and shall not make any attempt to influence or threaten the witnesses;

iv) He shall provide his address as well as his phone number to the concerned Police Station and keep the same updated in the event the same is changed in future;

v) He 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) He 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 Petitioner is subject to the condition that learned court below shall verify whether the Petitioner has any criminal antecedents of similar nature except one antecedent in Itamati P.S. Case No.71/2021. In the event it is found that the Petitioner has more than one 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)
Judge