

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4721 of 2021

Chiku @ Chikuna Das @ Bhoi ***Petitioner***
Mr.Devashis Panda, Advocate

-versus-

State of Odisha ***Opposite Party***
Mr. S.Mishra, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

29.08.2022

Order No.

05.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as the learned Additional Standing Counsel for the State.
3. This is an application under Section 439 of the Criminal Procedure Code filed by the Petitioner to release him on regular bail in connection with Kumbharpada P.S.Case No.304 of 2020 corresponding to G.R.Case No.142 of 2020 pending in the Court of the learned Special Judge, Puri for commission of an alleged offence under Sections 21(c), 25,29 N.D.P.S. Act.
4. It is submitted by the learned counsel for the Petitioner that the Petitioner is in custody since 16.03.2021. It is also submitted by the learned counsel for the Petitioner that the investigation has been concluded and charge sheet has been filed against the Petitioner and some other co-accused persons. On perusal of the F.I.R., it appears that 256 grams of contraband brown sugar was recovered. On perusal of the seizure list, it appears that the contraband articles were recovered from

the joint conscious and exclusive possession of accused persons namely; Ramani Mallick, Sangram Bisoi, Shibananda Behera, Rabi Charan Mohanty and Lakshmi Dei. Referring to the aforesaid seizure list, learned counsel for the Petitioner submits that the alleged contraband brown sugar has not been recovered from the conscious and exclusive possession of the Petitioner. Therefore, bar under section 37 of the N.D.P.S. Act is not applicable to the fact of the present case.

5. Learned counsel for the State on the other hand opposes the prayer for bail of the Petitioner and submits that such type of cases are rising every day in the locality and no leniency should be shown to the Petitioner while considering the prayer for bail of the Petitioner. However he submits that in the event of his release, stringent conditions may be imposed on the Petitioner.

6. Having heard learned counsel for the parties and taking into consideration the fact that some of the accused persons have already been released on bail, this court is 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 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.
- ii) shall cooperate with the trial of the case and shall appear in court on each and every date to which the case is posted.
- iii) shall not indulge in any offence of similar nature
- iv) shall not leave the jurisdiction of the trial court with specific permission of the trial court till conclusion of the

trial.

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

7. It is open for the Court in seisin over the matter to fix any other conditions which may be deemed fit and proper in the facts and circumstances of the present case.

8. The Bail Application is accordingly disposed of.

9. Issue urgent certified copy of this order be granted on proper application.

RKS

