

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5696 of 2022

Praladh Kumar Ray

....

Petitioner

M/s. S.Harichandan, Advocate

-versus-

State of Orissa

....

Opp. Party

M/s.P.K.Patnaik, A.G.A.

CORAM:

JUSTICE G. SATAPATHY

ORDER

10.11.2022

Order No.

- 04.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. This is an application U/S. 439 of Cr.P.C. by the Petitioner for grant of bail in connection with Soro Excise Station, Balasore P.R. No.34 of 2022-23 corresponding to Special Case No.119 of 2022 pending in the Court of learned Sessions Judge-cum-Special Judge, Balasore for commission of offence punishable U/Ss. 20(b)(ii)(B) of the N.D.P.S. Act on the allegation of transporting 15Kgs. of contraband Ganja.
 3. In the course of hearing of the bail application, Mr.S.Harichandan, learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and there is nothing on record to find out any prima facie case against the petitioner. It is further submitted that the petitioner is in inside custody since 27.05.2022 and after completion of investigation, charge sheet has already been filed but no criminal antecedent of the petitioner is reported. It is further submitted that the petitioner not being found in possession of commercial quantity of contraband Ganja, the bar U/S. 37 of the N.D.P.S. Act would come into play denying the petitioner

to bail and, therefore, the petitioner may kindly be granted bail on any condition.

4. On the other hand, learned counsel for the State, however, opposes the bail application of the petitioner.

5. Considering the rival submissions, nature and character of accusations made against the petitioner and the quantity of contraband Ganja involved in this case and keeping in view as submitted that no criminal antecedent is reported against the petitioner and further the fact that the petitioner has been detained in custody since 27.05.2022, this Court grants bail to the petitioner subject to condition of verification of his criminal antecedent and if any criminal antecedent is found him, the benefit of this order shall not be extended to the petitioner.

6. In the event no criminal antecedent is found against the petitioner, he be released on bail on furnishing bail bonds of Rs.50,000/- with two solvent sureties each for the like amount to the satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper with further conditions that the petitioner shall not commit similar type of offence while on bail and that the petitioner shall not leave the jurisdiction of the trial Court without prior permission till conclusion of the trial and that the petitioner shall attend the trial Court on each date of posting of the case unless his attendance is dispensed with and that the petitioner shall report attendance before the jurisdictional Police Station once in a fortnight preferably on each second Saturday every month in between 10 A.M. to 12 Noon. The jurisdictional Police Station shall not detain the petitioner unnecessarily after recording his attendance beyond the time as stipulated. It is clarified that the Special Judge

will be at liberty to cancel the bail of the petitioner without further reference to this Court, if any of the above conditions are violated or a case for cancellation of bail is otherwise made out.

7. Accordingly, the BLAPL stands disposed of.

8. Urgent certified copy of the order be granted on proper application.

Kishore

*(G. Satapathy)
Judge*

