

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5947 of 2022

Tapan Das @ Ray @ Day

Petitioner
....
Mr.Sanjeev Udgata, Advocate

-versus-

State of Odisha

Opposite Party
....
Mr. P.K.Rout, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

01.08.2022

Order No.

04.

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 Mathili P.S. Case No.138 of 2020 corresponding to T.R. Case No.118 of 2020 pending in the Court of the learned Sessions Judge-cum-Special Judge, Malkangiri for commission of an alleged offence under Section 20(b)(ii)(C)/27-A of N.D.P.S.Act..
4. It is submitted by the learned counsel for the Petitioner that earlier the Petitioner was before this Court in BLAPL No.9581 of 2021. This Court after hearing learned counsel for the Petitioner was inclined to release the Petitioner on bail subject to verification of his criminal antecedents. However, when the bail application was moved in the Court in seisin over the matter, the bail application was rejected and he was not released on bail on the ground that the Petitioner is having

similar criminal antecedent. It is also submitted by the learned counsel for the Petitioner that in the connected similar matter, the Petitioner has already been released on bail. He further submits that the co-accused persons in the present case namely Lalu Paik has been released on bail in BLAPL No.8839 of 2020 by order dated 13.05.2022, Shankar Hindia in BLAPL No.4235 of 2021 by order dated 24.06.2022. It is further submitted by the learned counsel for the Petitioner that the Petitioner, who is also involved in Malkangiri P.S.Case No. 301 of 2020 has already been released on bail in BLAPL No.3335 of 2022 by order dated 19.05.2022. He further contends that in all these matters, the Petitioner has been arrayed as accused on the basis of the statement of the co-accused from whose possession contraband articles have been seized. In such view of the matter, learned counsel for the Petitioner submits that the Petitioner has been falsely implicated by the Police in all these matters.

5. Learned Additional Standing counsel for the State on the other hand submits that there are several criminal antecedents. However, he does not dispute the fact that co-accused persons have been released on bail in the present case. Further, he submits that in the event the Petitioner is released on bail, stringent conditions may be imposed.

6. Having heard learned counsel for the parties and upon consideration of the facts and circumstances of the present case and considering the fact that the co-accused persons have already been released on bail by this Court, I am inclined to release the Petitioner 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 such terms and conditions as would be deemed fit by the learned court in seisin over the matter. While imposing the condition, the learned court below shall do well to impose additional condition

whereby the Petitioner while on bail shall not indulge in similar nature of offence and in the event it is found that the Petitioner is involved in similar nature of offence, this order shall stand revoked. It is open for the learned Court in seisin over the matter to proceed against the Petitioner in accordance with law.

7. The Bail Application is accordingly disposed of.

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

RKS

*(A.K. Mohapatra)
Judge*

