

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5956 of 2022

Rupesh Kumar

.... ***Petitioner***
M/s. A.K.Raut, Advocate

-versus-

State of Orissa

.... ***Opp. Party***
M/s.M.Mishra, A.S.C.

CORAM:

JUSTICE G. SATAPATHY

ORDER

03.11.2022

Order No.

- 02.
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 EI & EB Unit-2, Northern Division, Sambalpur P.R. No. 134/2022-23 corresponding to 2(a) C.C. No. 12 of 2022 pending in the Court of learned Special Judge, Jharsuguda for commission of offence punishable U/Ss. 20(b)(ii)(B) of the N.D.P.S. Act on the allegation of possessing 15 Kgs. of contraband Ganja along with another co-accused.
 3. In the course of hearing of the bail application, learned counsel for the petitioner submits that although the Excise staff has shown the petitioner to have committed an offence U/S. 20(b)(ii)(B) of the N.D.P.S. Act but in reality the Excise staff has over zealously implicated the petitioner in this case. It is further submitted that if the allegations on record are considered to be true, the petitioner along with other co-accused having allegedly found in possession of 15 Kgs. of contraband Ganja, compliance of Section 37 of N.D.P.S. Act is not attracted. It is further submitted that the petitioner having detained in custody since 06.06.2022 and trial having not commenced till today, the petitioner may kindly be released on bail in any condition as deems fit and proper.
 4. On the other hand, learned counsel for the State submits that although the petitioner and another person were found to be in possession

of 15 Kgs. of contraband Ganja at Jharsuguda Railway Station but in reality both having acted in active conspiracy were carrying contraband Ganja to the tune of 15 Kgs., and, therefore, the bail application of the petitioner may kindly be rejected.

5. Considering the submissions advanced on behalf of the parties and taking into consideration the circumstance of seizure and keeping in view the submission of P.R. on completion of investigation and regard being had to the period of detention of the petitioner in custody since 06.06.2022 and the quantity and number of accused person allegedly involved in this case and the place of seizure and the object of bail being not punitive, rather protecting the individual liberty and further taking into account no criminal antecedent being reported against the petitioner, this Court considers it proper to grant bail to the petitioner.

6. Hence, the prayer for bail of the petitioner is allowed and the Petitioner be released on bail on furnishing bail bonds of Rs.25,000/- 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.

7. Accordingly, the BLAPL stands disposed of.

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