

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6427 of 2022

Pramod Kumar Paswan

....

Petitioner

Mr.Manoranjan Padhy, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr.P.C.Das, A.S.C..

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

07.09.2022

Order No.

- 03.
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 2(a) C.C.Case No.08 of 2021 pending in the file of the learned Additional Sessions Judge, -cum- Special Jude, Parlakhemundi for commission of alleged offences under Sections 20(b)(ii)(c), 29,25 of the NDPS Act.
 3. Heard learned counsel for the Petitioner and the learned Additional Standing Counsel.
 4. It is revealed from the seizure list a Honda Car bearing Registration No.WB-06-B-4657 was intercepted on the Highway near village Marlaba at 12.30 P.M. of 21.08.2021 and contraband ganja weighing 70 kgs kept in two jerry bags were recovered from the said car. The driver, who happens to be the Petitioner along with the

occupant was detained, arrested and forwarded to the Court and he is in custody since 22.08.2021.

5. It is submitted by the learned counsel for the Petitioner that the Petitioner is in custody since 22.08.2021 and after completion of investigation charge sheet has been filed. It is also submitted by the learned counsel for the Petitioner that neither the Petitioner was in exclusive nor conscious possession of the contraband articles which was seized from the vehicle. He also submits that the Petitioner is the driver of the car. He was engaged by the owner of the car who was present at the spot. It is also submitted that since the Petitioner is a resident of his village as indicated in the cause title of the petition, there is no chance of his absconding or fleeing from receiving justice. He also submits that since investigation has been completed, there is no chance of tampering with the evidence. With the aforesaid submissions, learned counsel for the Petitioner prays for release of the Petitioner on bail.

6. Having regard to the facts and circumstances of the case, considering the nature and gravity of the offences alleged and further taking into consideration the custodial detention of the Petitioner and the fact that the Petitioner is the driver of the vehicle, this Court is inclined to grant bail to the Petitioner. Accordingly the Petitioner be released on bail on furnishing 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 conditions:

- i) He shall not involve himself in any other offence during the period of bail.
- ii) He shall appear before the trial court on each and every date as fixed by the Court.

- iii) He shall not tamper with the prosecution evidence.
 - iv) He shall not influence or threaten any prosecution witness and cooperate with the investigation.
 - v) He shall provide his present address and mobile number to the I.O. and if any changes therein shall also be intimated to the I.O.
 - vi) He shall not leave the jurisdiction of the court without special permission from the court; and
 - vii) Violation of any of the conditions shall entail cancellation of bail.
7. It is further directed that the Court in seisin over the matter to impose any additional condition, if situation so warrants.
8. With the above direction the BLAPL is accordingly disposed of.
9. Issue urgent certified copy of this order as per Rules.

