

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5693 of 2021

Binath Khillo

Petitioner
....
M/s. T.K. Mishra, Advocate

-versus-

State of Orissa

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

CORAM:

JUSTICE G. SATAPATHY

ORDER

09.11.2022

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 Jeypore Sadar P.S. Case No.80 of 2021 corresponding to T.R. Case No.30 of 2021 pending in the Court of learned Sessions Judge-cum-Special Judge, Koraput at Jeypore for commission of offence punishable U/Ss. 20(b)(ii)(C) of the N.D.P.S. Act on the allegation of escorting the vehicle Mahindra Supro max carrying contraband Ganja to the tune of 392 Kgs. by a motorcycle.
 3. In the course of hearing of the bail application, Mr. Sangram Keshari Rout, learned counsel for the petitioner submits that the allegation of conscious possession of contraband Ganja is not against the petitioner, rather the allegation against the petitioner is for conspiracy to facilitate safe passage for transportation of contraband Ganja but such allegation was not at all established by the materials on record. It is also submitted

that co-accused Dillip Khila standing on similar footing has already been granted bail by this Court in BLAPL No. 4364 of 2021 and the petitioner therefore, may kindly be released on bail.

4. On the other hand, learned counsel for the State while not disputing about the allegations against the petitioner for escorting the main vehicle carrying the contraband Ganja by a motorcycle but he, however, opposes the bail application of the petitioner on the ground that the commercial quantity of contraband Ganja was found transported in the vehicle with active connivance of the petitioner and the petitioner, therefore, should not be enlarged on bail.

5. Considering the rival submissions made for the parties and taking into consideration about release of similarly situated co-accused Dilip Khila on bail and keeping in view the allegations raised against the petitioner for escorting the main vehicle and the fact that no contraband Ganja was alleged to have been recovered from the possession of the petitioner and regard being had to the pretrial detention of the petitioner since 30.04.2021 and the investigation having already completed with culmination of the charge sheet being filed in the Court and the allegation appearing against the petitioner is for entering into conspiracy with other co-accused persons and regard being had to the fact that there is no direct allegation against the petitioner for possessing contraband Ganja, this Court considers the bail application of the petitioner favourably.

6. Hence, the prayer for bail of the petitioner is allowed and the Petitioner 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.

7. Accordingly, the BLAPL stands disposed of.
8. Urgent certified copy of the order be granted on proper application.

(G. Satapathy)
Judge

Kishore

