

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL NO.6823 OF 2022

Karan Bag

....

Petitioner

Mr. Suryakanta Dash, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. S.K. Nayak, AGA

CORAM:

MR. JUSTICE D.DASH

ORDER

25.08.2022

Order No.

- 02.
1. This matter is taken up through hybrids arrangement (virtual/ physical) mode.
 2. This the successive journey of this Petitioner, who is in custody in connection with Semlliguda P.S. Case No.14 of 2021 corresponding to T.R. Case No.08 of 2021 on the file of learned Addl. Sessions Judge-cum-Special Judge, Koraput, running for alleged commission of offence under Section-20(b)(ii)(C)/29 of the NDPS Act, in filing this application under Section-439 of the Cr.P.C. for his release on bail.
 3. Learned Counsel for the Petitioner submits that this Petitioner being arrested in the case is in custody since 24.09.2021 on the allegation that he was involved in transportation of 229 kgs of ganja. He further submits that co-accused, namely, Arun Anka, who is said to be the associate of this Petitioner and was absconding having been arrested on 15.02.2022 has in the meantime been released on bail by order

passed by this Court on 19.05.2022 in BLAPL No.4216 of 2022. He further submits that as against F.I.R. lodged on 14th January, 2021, this Petitioner has been arrested on 24.09.2021 and, therefore, he stands in a better footing than the co-accused, who has already released on bail. It is submitted that under the circumstances, the bar contained under section 37 of the NDPS Act at this stage does not stand on the way of the Petitioner for being granted that bail. He, therefore, urges for reconsideration of the prayer for grant of bail to the Petitioner.

4. Learned Counsel for the State opposes the move in view of the quantity of ganja involved in the case. He, however, submits that in the meantime charge-sheet having been submitted and the materials so collected when show a prima facie case against the Petitioner as regards possession and transportation of commercial quantity of contraband ganja, it is not a fit case for reconsideration of the prayer for grant of bail to the Petitioner. He, however, does not dispute the factum of grant of bail to the co-accused, namely, Arun Anka.

5. Taking into account the submissions made; further keeping in view the materials on records as those stand against the Petitioner with other surrounding circumstances including the factum of release of co-accused person on bail as also the period of detention of the Petitioner in custody; while being inclined to reconsider the prayer for grant of bail to the Petitioner, it is directed that the Petitioner be released on bail in the aforesaid case on such terms and conditions as deemed just

and proper by the Court is seisin of the case with further conditions that:-

1. he will appear in person before the Court in seisin of the case on each date of posting of the case till conclusion of trial;
 2. will not indulge himself in commission similar type of offences; and
 3. will not leave the jurisdiction of the Court without prior permission; and
 4. will appear before the IIC, Semilliguda P.S. every Monday in between 10 am to 2 pm till conclusion of trial.
6. The BLAPL is accordingly disposed of.
Issue urgent certified copy as per rules.

**(D. Dash),
Judge.**

Himansu