

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6926 of 2022

Pratap Kanhar

.... Petitioner

Mr. Suraj Mohanty,
Advocate

-versus-

State of Odisha

.... Opposite Party

Mr. P.Tripathy
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER
25.8.2022.

Order No.

01. 1. This matter is taken up through virtual mode.
2. Heard learned counsel for the Petitioner and learned Addl. Standing Counsel for the State.
3. The Petitioner is in custody since 21st September, 2021 in connection with Phiringia P.S. Case No.117/2021 corresponding to C.T. Case No.64/2021 pending in the court of learned Sessions Judge-cum-Special Judge, Phulbani for the alleged commission of the offence under Section 20(b)(ii)(C) of the N.D.P.S. Act.

4. This is the successive bail application filed by the Petitioner after his earlier application was rejected by this Court. The present application is filed on the ground that the co-accused person has been granted bail by this Court. It is alleged that the Petitioner and another person were sitting on two plastic bags containing ganja by side of the road when Police arrived at the spot. Seeing the Police, the Petitioner and another person ran away, but the Petitioner was nabbed. It is submitted that accepting the prosecution story on its face value, it would imply that the Petitioner was not actually found to be in possession of the ganja but was caught while running away. The other person, who fled away has been granted bail by this Court in BLAPL No.441/2022. Though the Petitioner does not exactly stand on the same footing yet fact remains that both were chased by Police and while the other co-accused person managed to escape, the Petitioner was caught.

5. Considering the above facts as also having regard to the period of detention in custody without commencement of trial, I am inclined to allow the prayer for bail. Let the Petitioner be released on bail on such terms and conditions as may be imposed by the court in seisin over the matter in the aforesaid case including the condition that he shall appear before the court below on each date of posting of the case without fail and in case of even a single default, necessary orders shall be passed to take him to custody again. Further, he shall appear before the I.I.C. of Phiringia P.S. on every Monday and Friday

at 10.00 A.M. till conclusion of trial and such fact shall be certified by the IIC to the court below once a month. This order shall not be given effect to if the court below finds that the Petitioner has criminal antecedents.

6. The BLAPL is disposed of.

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

AKB



(Sashikanta Mishra)
Judge