

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6980 of 2022

Susanta Mandal

....

Petitioner

Mr. N.R. Sahoo, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
26.10.2022

Order No.

02.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the Petitioner and learned counsel for the State.
3. The Petitioner is accused in T.R. Case No. 146 of 2020 pending in the file of learned Additional Sessions Judge-cum-Special Judge, Malkangiri arising out of Orkel P.S. Case No. 199 of 2020, for commission of the offence alleged under Section 20(b)(ii)(C)/ 27 of the N.D.P.S. Act.
4. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge-cum-Special Judge, Malkangiri, by order dated 27.06.2022 in the aforementioned case, the present BLAPL has been filed.
5. The brief factual backdrop of the case is that while performing patrolling duty on 16.11.2020 at 7.00 P.M. near canal bridge of Kotaplli village, the police party noticed that some 7 to 8

‘Kaudias’ were coming towards them via canal bridge carrying ‘kaudi’ (balance stick) on their shoulder. Police conducted raid on them and managed to apprehend only two persons and due to darkness all other persons fled away leaving their balance stick at the spot. On being asked the apprehended accused persons confessed about transporting the contraband ganja from Ghati area of Chitrakonda by ‘Kaudi’.

6. It is submitted by learned counsel for the Petitioner that he is in custody since 16.11.2020 and charge-sheet has been submitted. Further, he submits that there is no chance of absconding or fleeing away from the hands of justice and in the event of release, the Petitioner will appear before the trial Court on each date of posting of the case and shall abide by terms and conditions that may be imposed by this Court.

7. It is further submitted by the learned counsel for the Petitioner that the Petitioner is similarly placed with one Sodi Ganga who has since been released on bail by order dated 07.09.2022 in BLAPL No.9333 of 2020. Hence, he seeks release of the Petitioner on the ground of parity.

8. Learned counsel for the State vehemently opposes the prayer for bail of the Petitioner and submits that innocence of the Petitioner can only be established during trial. Further, it is submitted that the illegal trafficking of contraband articles are rising day-by-day in the State of Odisha and no leniency should be shown to the Petitioner or any other accused in such offences. In such view of the matter, learned counsel for the State urges that the bail application of the Petitioner may be rejected at this juncture keeping in view the commencement of trial.

9. Taking into account the accusation in the case at hand and since the Petitioner is in custody since 16.11.2020 and release of the co-accused, this Court directs the Petitioner to be released on bail on such terms to be fixed by the learned court in seisin over the matter.

10. Additionally, it is directed that one of the sureties shall be immediate member of the family.

11. Accordingly, the BLAPL stands disposed of.

12. Urgent certified copy of this order be granted as per rule.

PKS

