

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6233 of 2021

Sachin Kumar Sahu

.... ***Petitioner***
Mr. A.S. Paul, *Advocate*

-versus-

State of Odisha

.... ***Opp. Party***
Mr. K.K. Nayak, *A.S.C.*

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

12.01.2022

Order No.

04.

1. This matter is taken up through Video Conferencing Mode.
2. Heard Mr. A.K. Paul, learned counsel for the Petitioner and Mr. K.K. Nayak, learned counsel for the State.

Perused the F.I.R., case diary, 161, Cr.P.C. statements and other relevant documents on record.

3. This is an application under Section 439 of the Criminal Procedure Code.
4. The Petitioner is an accused in 2(a) CC Case No.36 of 2021 corresponding to P.R. Case No.64 of 2021 pending in the court of learned Sessions Judge-cum-Special Judge, Cuttack for commission of offence punishable under Section 20(b)(ii)(C) of the N.D.P.S. Act.
5. It alleged that 26 Kgs. 500 grams of contraband ganja was recovered and seized from the vehicle.
6. Learned counsel for the Petitioner submits that the Petitioner does not have any criminal antecedent of similar nature of offence and he is in custody since 02.07.2021. Further he submits that the Petitioner has been implicated in this case on the statement of the co-accused persons and in the meantime, co-accused persons have been released on bail by this Court in BLAPL No.6311 of 2021 dated 08.10.2021.

7. Learned counsel for the State vehemently opposes the prayer for bail of the Petitioner.

8. Having heard learned counsel for the parties and considering the period of detention of the Petitioner and the fact that co-accused persons have already been released on bail, it is directed that let the Petitioner be released on bail on furnishing a bail bond of Rs.50,000/- (rupees fifty thousand) with two solvent sureties each for the like amount to the satisfaction of the learned court in seisin over the matter subject to conditions that the Petitioner shall not involve himself in any offence of similar nature, he shall not tamper with the prosecution evidence in any manner whatsoever and shall not make any default in attending the court during trial on each date.

9. It is open for the court in seisin over the matter to impose other conditions may deem just and proper.

10. It is further directed that the bail granted to the Petitioner is subject to the condition that learned court below shall verify whether the Petitioner has any criminal antecedents. In the event it is found that the Petitioner has any criminal antecedents, this bail order shall automatically stands revoked.

11. The Bail Application is accordingly disposed of.

12. As the restrictions due to resurgence of COVID -19 situation are continuing, learned counsel for the parties may utilize a print out of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned Advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020 as modified by Court's Notice No.4798, dated 15th April, 2021 and Office Order dated 7th January, 2022.

