

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6337 of 2021

<i>Kuna Sahu @ Tukuna Sahu</i>		<i>Petitioner</i>
		<i>Mr. P.S. Nayak, Advocate</i>
	-versus-	
<i>State of Orissa</i>		<i>Opposite Party</i>
		<i>Mr. K.K. Nayak, A.S.C. for State</i>

**CORAM:
JUSTICE A.K.MOHAPATRA**

**ORDER
07.02.2022**

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This is an application under Section 439 Cr.P.C. filed by the Petitioner for bail in connection with Mudulipada P.S. Case No.10 of 2019, corresponding to T.R. Case No.25-A of 2019, pending in the file of learned Sessions Judge-cum-Special Judge, Malkangiri, for commission of alleged offences under Sections 20(b)(ii)(C)/27-A/29 of N.D.P.S. Act.
3. Heard learned counsel for both the parties. Perused the records.
4. Learned counsel for the Petitioner submits that Petitioner is in jail custody since the date of his arrest, i.e. 17.07.2021. It is submitted that Petitioner is an innocent person and he has been falsely implicated in the case on the basis of confessional statement of the co-accused persons. Moreover, the co-accused person, namely, Sada Hantal has been released on bail by this Hon'ble Court in BLAPL No.2269 of 2019, vide order dated 20.06.2019.

5. Learned counsel for the State vehemently objects the prayer for bail of the Petitioner. It is further submitted that a quantity of 812 Kgs.105 grams of Ganja has been recovered from the custody of the present Petitioner. However, he submits if the Petitioner is released on bail, stringent conditions may be imposed on the accused Petitioner.

6. Having heard learned counsel for the parties and considering the period of detention of the Petitioner, it is directed that the Petitioner be released on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty thousand) with one local surety for the like amount to the satisfaction of the learned court in seisin of the matter subject to conditions that the Petitioner shall not involve himself in any similar nature of offence particularly involving the offence under the NDPS Act.

7. Petitioner is also directed to appear before the local police station at an interval of every fifteen days between 11.00 A.M. to 1.00 P.M. on a working day once he comes out of the jail custody and his appearance shall be communicated to the concerned Malkangiri police station. It is further directed that the court in seisin of the matter to verify the criminal antecedents of the Petitioner and impose any additional condition(s), if situation so warrants. This order shall remain valid in the event the court in seisin of the matter is satisfied that Petitioner has no criminal antecedents.

8. With the above direction, the BLAPL is accordingly allowed.

9. Issue urgent certified copy of this order on proper application.

(A.K. Mohapatra)
Judge