

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7388 of 2020

Naresh Kaleth @ Chhunu

....

Petitioner

Mr. Kalpana Pattnaik, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. S.Patra, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

26.08.2022

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned Additional Standing Counsel for the State.
3. This is an application under Section 439 of the Code of Criminal Procedure filed by the Petitioner for bail in connection with Rajgangpur P.S.Case No.225 of 2022 corresponding to Special G.R.Case No.88 of 2022 pending in the Court of the learned District & Sessions Judge, Sundargarh for alleged commission of offence under Sections 21(b) of N.D.P.S.Act.
4. It is submitted by the learned counsel for the Petitioner that the Petitioner is in custody since 15.05.2022 and earlier he was a Petitioner before this Court in BLAPL No.4848 of 2022, which was not pressed by the learned counsel for the Petitioner. He also submits that the Petitioner is an innocent person and a false case has been initiated against the Petitioner. It is also submitted by the learned counsel for the Petitioner that the I.O. has not complied with the

mandatory provisions of the N.D.P.S. Act. He further submits that the contraband brown sugar which is alleged to have been seized from the Petitioner is less than the commercial quantity. It is also submitted by the learned counsel for the Petitioner that since the Petitioner is a resident of Biringatoli under Kutra P.S. in the district of Sundargarh there is no chance of his absconding or fleeing from receiving justice. In such view of the matter learned counsel for the Petitioner submits that the Petitioner may be released on bail on any terms and conditions that may be imposed by this Court while releasing the Petitioner on bail.

5. Learned Additional Standing Counsel on the other hand opposes the prayer for bail of the Petitioner on the ground that the Petitioner was arrested at the spot along with contraband brown sugar. He further submits that in the event the Petitioner is released on bail he will not cooperate with the trial and the trial will be delayed. Further it is submitted that the cases of illegal trafficking of contraband ganja will rise in the State. Therefore, no leniency should be shown to the Petitioner as well as other similarly situated persons. With the aforesaid submissions, learned counsel for the State urges rejection of the prayer for bail of the Petitioner.

6. Having heard learned counsel for the parties and considering the period of custodial detention of the Petitioner, it is directed that let the Petitioner be released on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned court in seisin over the matter subject to the conditions that the Petitioner shall not be involved in any offence of similar nature, he shall not tamper with the prosecution evidence or try to influence the witnesses in any manner whatsoever, he shall not make any default in

attending the court during trial on each date without fail and shall appear before the concerned P.S. once in a fortnight preferably on Sunday in between 10 A.M. to 1 P.M. till conclusion of trial. Violation of any of the conditions shall entail cancellation for bail.

7. It is open for the court in seisin over the matter to impose other conditions as may be deemed just and proper.

8. It is further directed that the bail granted to the Petitioner is subject to the condition that the learned court in seisin over the matter shall verify whether the Petitioner has any criminal antecedent of similar nature. In the event it is found that the Petitioner has more than one criminal antecedent of similar nature, this bail order shall not be given effect to.

9. BLAPL is accordingly disposed of.

10. Issue urgent certified copy as per Rules.

RKS

