

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6355 of 2021

Rabi Hadrenga @ Adobi @ Luka ***Petitioner***
Hadrenga

Mr. Panchanan Panigrahi, Advocate
-versus-

State of Orissa ***Opposite Party***
Mr. K.K. Nayak, A.S.C. for State

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
07.02.2022

Order No.

02. 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 Chandrapur P.S. Case No.48 of 2020, corresponding to T.R. Case No.44 of 2020, pending in the file of learned A.D.J.-cum-Special Judge, Gunupur, for commission of alleged offences under Sections 20(a)(i)/25 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. 19.07.2021. It is submitted that Petitioner has no nexus with the illegal cultivation of cannabis plant and has no relation with the land. In fact, he is a landless person and working as a labourer at Hyderabad and had only returned to his village in the month of October, 2021 due to

Covid-19 situation. It is also submitted that as Petitioner is a local resident, there is no chance of absconding or avoiding the trial in any manner.

5. Learned counsel for the State vehemently objects the prayer for bail of the Petitioner. It is further submitted that the present Petitioner along with others have illegally cultivated cannabis plant over a large part of the land, which has turned into 4 to 6 fit height. Both the Forest Officer and Excise Officer have identified the land as well as the cannabis plant on the site. However, he submits that 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, till conclusion of the trial. 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

U.K.Sahoo

