

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6418 of 2021

Daktar Nayak

Petitioner
....
Mr.Bidyalok Mohapatra, *Advocate*

-versus-

State of Odisha

Opposite Party
....
Mr.M.K.Mohanty,A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

28.03.2022

Order No.

- 5.
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.
 3. Perused the Case Diary, F.I.R. and the statements of the witnesses recorded under section 161 Cr.P.C.
 4. This is an application under Section 439 of the Code of Criminal Procedure filed by the Petitioner for bail in connection with Badabazar P.S.Case No.71 of 2021, corresponding to G.R.Case No.14 of 2021(N), pending in the Court of the learned District & Sessions Judge, Berhampur for alleged commission of offences under Sections 20(b)(ii)(C), 25 & 29 of the N.D.P.S.Act.
 5. It is submitted by the learned counsel for the Petitioner that the Petitioner is in custody since 27.03.2021 and that in the meantime investigation of the case is over and the Police has submitted charge sheet. It is further submitted by the learned counsel for the Petitioner

that the Petitioner was sitting on the pick up van along with his punctured bike. He further submits that while the Petitioner was travelling in the vehicle, contraband articles were sized from the vehicle. It is further submitted that the contraband articles were not recovered from the conscious and exclusive possession of the Petitioner who was an accidental traveler in the pickup van in question. It is also submitted by the learned counsel for the Petitioner that since the Petitioner belongs to the locality, there is no chance of his absconding or fleeing away from the hands of justice.

6. Learned Additional Standing Counsel vehemently opposes the prayer for bail of the Petitioner on the ground that such type of offence is rampant in the State of Odisha and it will seriously affect the society. Therefore, the petitioner should not be enlarged on bail. However, he further submits that stringent conditions must be imposed in the event the Petitioner is granted bail for ensuring the attendance of the petitioner in each and every date of trial.

7. Having heard learned counsel for the parties and considering the nature and gravity of the allegation as well as the fact that the Petitioner is languishing in custody since 27.03.2021, this court is inclined to grant bail to the Petitioner and it is directed that let the Petitioner be released on bail in the aforesaid case on furnishing a bail bond of Rs.50,000/- (Rupees Fifty thousand) with one local solvent surety for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following terms and conditions

- i) he shall appear before the concerned Police Station once in a fortnight preferably on Sunday between 10 A.M. to 1 P.M. till conclusion of trial.
- ii) shall cooperate with the trial of the case and shall appear in court on each and every date to which the case is posted.
- iii) shall not indulge in any offence of similar nature
- iv) shall not leave the jurisdiction of the trial court with

prior permission of the trial court till conclusion of the trial.

- v) Violation of any of the terms and conditions shall entail cancellation of bail.

8. 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 of similar nature. In the event it is found that the Petitioner has any criminal antecedents of similar nature, this bail order shall automatically stands revoked.

9. The BLAPL is accordingly disposed of.

10. Issue urgent certified copy as per Rules.

RKS

