

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6458 of 2021

Sahadeva Gadanaik

....

Petitioner

Mr.Sangram Ku.Das, Advocate

-versus-

State of Odisha

....

Opposite Party

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

04.05.2022

Order No.

04

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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. This is an application under Section 439 of the Code of Criminal Procedure filed by the Petitioner for bail in connection with G.Udayagiri Excise P.R.No.16 of 2021 corresponding to 2(a) C.C.Case No.10 of 2021 pending in the Court of the learned Additional District & Sessions Judge-cum-Special Judge, Balliguda for alleged commission of offence under Sections 20(b)(ii)(C) of the N.D.P.S.Act.
5. It is submitted by the learned counsel for the Petitioner that the Petitioner is languishing in custody since 02.06.2021 and in the meantime investigation has been completed and final charge sheet has been filed. It is further submitted by the learned counsel for the Petitioner that co-accused persons have been released on bail by

order dated 13.04.2021 passed by this Court in BLAPL No.5022 of 2021 and order dated 25.08.2021 in BLAPL No.6603 of 2021. It is further submitted by the learned counsel for the Petitioner that since the Petitioner is a permanent inhabitant of Angul district, there is no chance of his absconding or fleeing from receiving justice. He further undertakes to appear before the trial court on each date of posting of the case.

7. Learned Additional Standing Counsel vehemently opposes the prayer for bail of the Petitioner and submits that illegal trafficking of contraband articles is rising day by day and no leniency should be shown to the Petitioner or similarly situated persons.

7. Having heard learned counsel for the parties, considering the facts and circumstances of the case and the period of custodial detention of the Petitioner and the fact that co-accused persons have been released on bail by this Court, I am 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 two local solvent sureties each 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 not indulge himself in any similar nature of offence.
- ii) shall appear before the trial court on each and every date fixed by the trial court till conclusion of trial.
- iii) shall not tamper with the prosecution evidence.
- iv) shall not influence or threaten any prosecution witnesses while on bail.
- v) he shall appear before the concerned Police Station once in a fortnight preferably on Sunday in between 10 A.M. to 1 P.M. till conclusion of trial.
- vi) Violation of any of the terms and conditions shall entail

cancellation of bail.

8. The trial court may impose any other condition(s) as deem fit and proper.
9. BLAPL is accordingly disposed of.
10. Issue urgent certified copy as per Rules.

RKS

(A.K. Mohapatra)
Judge

