

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6461 of 2021

Trilochan Das

.... ***Petitioner***
Mr. S. Panda, *Advocate*

-versus-

State of Odisha

.... ***Opposite Party***
Mr.T.K.Praharaj, Standing Counsel.

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. Heard learned counsel for the Petitioner and learned counsel for the State. Perused the F.I.R., case diary and other relevant documents on record.
3. This is an application under Section 439 of the Criminal Procedure Code.
4. The Petitioner is an accused in T.R. Case No.47 of 2021 corresponding to Naktideul P.S. Case No.59 of 2021 pending in the court of learned Additional Sessions Judge-cum-Special Judge, Rairakhol for commission of offence punishable under Section 20(b)(ii)(C) of the N.D.P.S. Act.
5. Learned counsel for the Petitioner submits that the Petitioner does not have any criminal antecedent of similar nature of offence and he is in custody since 25.06.2021. He further submits that nothing has been seized from the conscious possession of the Petitioner.
7. Learned counsel for the State vehemently opposes the prayer for bail of the Petitioner and submits that there is ample evidence against

the Petitioner. He was transporting the contraband articles. Although nothing has been seized from the conscious possession of the Petitioner, he was present at the spot.

8. Further, learned counsel for the Petitioner submits that the contraband articles were seized from a bushy area nearby 'Matha' where the Petitioner was standing and further submits that neither he was involved in the offence nor trade of any contraband articles made by the Petitioner.

9. Having heard learned counsel for the parties and considering the period of detention of the Petitioner, it is directed that let the Petitioner be released on bail on furnishing a bail bond of Rs.50,000/- (rupees fifty thousand) with two solvent sureties each for the like amount to the satisfaction of the learned court in seisin over the matter subject to conditions that the Petitioner shall not involve himself in any offence of similar nature, he shall not tamper with the prosecution evidence or try to threaten or influence the witnesses in any manner whatsoever and shall not make any default in attending the court during trial on each date.

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

11. 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. In the event it is found that the Petitioner has any such criminal antecedents, this bail order shall automatically stands revoked.

12. The Bail Application is accordingly disposed of.

13. Urgent certified copy of this order be granted on proper application.

