

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6469 of 2021

Bipul Das

.... ***Petitioner***
Mr. G. Mishra, *Advocate*

-versus-

State of Odisha

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

07.02.2022

Order No.

03.

1. This matter is taken up through Video Conferencing Mode.
2. Heard learned counsels for the parties. 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 Special G.R. Case No.68 of 2021 arising out of Malkangiri P.S. Case No.286 of 2021 pending in the court of learned Sessions Judge-cum-Special Judge, Malkangiri for commission of offence punishable under Sections 20(b)(ii)(C)/25/27(a)/29 of the N.D.P.S. Act.
5. Learned counsel for the Petitioner submits that the statement of the co-accused is that the Petitioner has been financed for trade. He further submits that contraband articles has been seized in conscious and exclusive possession of the co-accused and that the Petitioner has been falsely implicated in this case.
6. It is also submitted by learned counsel for the Petitioner that the Petitioner does not have any criminal antecedent of similar nature

of offence and he is in custody since 05.08.2021. Considering the quantity involved Section 37 of the N.D.P.S. is not attracted.

7. Learned counsel for the State vehemently opposes the prayer for bail of the Petitioner on the ground that that the person like the petitioner, they are financed behind the trade. Therefore, the bail application of the Petitioner may kindly be rejected.

8. Having heard learned counsel for the parties and considering the period of detention of the Petitioner and the fact that the contraband articles were seized from the possession of the co-accused and on the basis of deposition of the prosecution witness, the Petitioner has been implicated in this case and that prima facie case against the Petitioner is not made out at this case and bar under Section 37 of the N.D.P.S. is not attracted, 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 local 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 be involved 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, shall not make any default in attending the court during trial on each date and shall appear before the concerned Police Station once in a fortnight preferably on 'Sunday' in between 10.00 A.M. to 1.00 P.M.

9. It is open for the court in seisin over the matter to impose other conditions may deem just and proper.

10. 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 criminal antecedents, this bail order shall

automatically stands revoked.

11. The Bail Application is accordingly disposed of.

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

Jagabandhu

(A.K. Mohapatra)
Judge

