

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6517 of 2021

Muna Singh

.... ***Petitioner***
Mr. Tusar Kumar Mishra, Advocate

-versus-

State of Orissa

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

**CORAM:
JUSTICE A.K.MOHAPATRA**

ORDER
08.02.2022

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 Baunsuni P.S. Case No.107 of 2021, corresponding to Special Case (NDPS) No.27 of 2021, pending in the file of learned District and Sessions Judge, Boudh, for commission of alleged offences under Sections 20(b)(ii)(c) of N.D.P.S. Act.
3. Heard learned counsel for both the parties. Perused the records.
4. Learned counsel for the Petitioner submits the alleged contraband articles although were seized from the vehicle of which the Petitioner was a driver. It was further submitted that the contraband articles were not seized from the conscious possession of the Petitioner, as the same belonged to another occupant, namely, Pawan Pradhan. Therefore, learned counsel for the Petitioner submits that Section 37 of the NDPS is not attracted to the facts of

the present case. He further submits that Petitioner is in jail custody since 30.06.2021.

5. Learned counsel for the State vehemently objects the prayer for bail of the Petitioner as the crime involved in the case has a bad effect on the society as a whole. However, he submits 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 solvent 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. 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