

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6707 of 2021

Swadhin Pujari

....

Petitioner

Mr.Manoranjan Padhy, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. D.R. Parida, ASC

CORAM:

MR. JUSTICE D.DASH

ORDER

09.05.2022

Order No.

02.

1. This matter is taken up through hybrid arrangement (virtual/physical mode).

2. This is the second journey of the petitioner, who is in custody in connection with Padwa P.S. Case No.04 of 2021 corresponding to T.R. Case No.11 of 2021 pending in the court of the learned Additional Sessions Judge-cum-Special Judge, Koraput running for the alleged commission of offence under section 20(b)(ii)(C)/25 of the NDPS Act in filing this application under section 439, Cr.P.C. for his release on bail.

3. Learned counsel for the Petitioner submits that the Petitioner having been arraigned in the case on the allegation that he was involved in transportation of 48.135 kgs of ganja is in custody since 17.01.2021. He further submits that the co-accused who was sitting in the vehicle at the time of interception has been released on bail by order passed by this Court in BLAPL No.6706 of 2021. It is submitted that

investigation of the case is still continuing as against the owner of the vehicle and this Petitioner being the driver was at the relevant time performing his duty under his employer's direction has been languishing in custody. It is submitted that the Petitioner being a permanent resident of the District of Koraput, there remains no scope on his part to flee from justice and the question of tampering the evidence at his instance does not arise, as most of the witnesses are officials. In view of all these above, he urges for reconsideration for grant of bail to the Petitioner as, according to him, the bar contained under section 37 of the N.D.P.S. Act at this stage does not stand on the way.

4. Learned counsel for the State citing the quantity of contraband seized from the vehicle which was being driven by this Petitioner opposes the move. He, however, does not dispute the position that the investigation of the case is still going on to find out the involvement of the owner of the vehicle in the said transportation.

5. Taking into account the submissions made; further keeping in view the materials on records as those stand against the petitioner as also the quantity of seized contraband with other surrounding circumstances; while being inclined to reconsider the prayer for grant of bail of this petitioner; it is directed that the petitioner be released on bail in the aforesaid case on such terms and conditions as deemed just and proper by the court is seisin of the case with further conditions that :-

- (i) he will appear in person before the court in seisin of the case on each date of posting of the case till conclusion of the trial;

- (ii) will appear before the Inspector-in-Charge of Padwa P.S. on every Monday in between 10.00 a.m. to 2.00 p.m. till conclusion of trial; and
 - (iii) will not indulge himself in commission of similar type of offence.
6. The BLAPL is accordingly disposed of.
Issue urgent certified copy as per rules.

(D. Dash)
Judge.

Himansu

