

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No.6717 of 2021**

***Himansu @ Suraj Kumar***

....

***Petitioner***

*Mr. Tapas Kumar Acharya, Advocate*

*-versus-*

***State of Odisha***

....

***Opposite Party***

*Mr. K.K. NayK, ASC for State*

**CORAM:**

**JUSTICE A.K.MOHAPATRA**

**ORDER**

**22.02.2022**

**Order No.**

03. 1. This matter is taken up through Video Conferencing mode.
2. This is an application under Section 439 Cr.P.C. filed by the Petitioner for bail in connection with Hinjili P.S. Case No.184 of 2019, corresponding to G.R. Case No.30 of 2019, pending in the file of learned Addl. Sessions Judge, Chhatrapur, for commission of alleged offence under Sections 20(b)(ii)(C) of N.D.P.S. Act.
3. Heard learned counsel for both the parties. Perused the F.I.R. and relevant case records.
4. Learned counsel for the Petitioner submits that Petitioner is in jail custody since the date of his arrest, i.e. 22.07.2019. It is submitted that trial of the case has not been commenced yet. As per the FIR story, two persons including the driver are travelling in a Chevrolet Car bearing RegistrationNo.DL3C-BS-4300. At Khandara Chhak, they were caught hold by the patrolling party. On search, 36 kgs. of contraband Ganja was recovered from the car in gunny bags. Learned counsel for the Petitioner claims that the present Petitioner was innocent and no way connected with the case and he has been

falsely implicated in the case by the prosecution. It is also submitted that Petitioner has no criminal antecedents of similar nature.

5. Learned counsel for the State vehemently opposes the prayer for bail of the Petitioner. It is further submitted that Petitioner is a resident of the State of Bihar. In the event, he has been enlarged on bail, the trial of the case will be affected. 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, the nature and gravity of offences alleged and considering the period of detention of the Petitioner, this Court is inclined to release the present Petitioner on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty thousand) with one local 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. He shall not tamper with the prosecution evidence or any make attempt to influence the witnesses in any way, he shall not leave the jurisdiction of the trial court without special permission. Further, he shall provide his residential address and mobile number to the local police station.

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 of similar nature.

8. With the above direction, the BLAPL is accordingly allowed.

9. Issue urgent certified copy as per rules.

**(A.K. Mohapatra)**  
**Judge**

U.K.Sahoo

