

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6739 of 2021

Pintu Naik

Petitioner

Mr. Umakanta Barik, Advocate

-versus-

State of Orissa

Opposite Party

Mr. K.K. Nayak, A.S.C. for State

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

09.02.2022

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 Plantsite P.S. Case No.109 of 2021, corresponding to Special G.R. Case No.02 of 2021, pending in the file of learned Special Judge-cum-1st Additional Sessions Judge, Rourkela, 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 that Petitioner is in jail custody 04.04.2021. It is further submitted that Petitioner is no way connected in this case and he has been falsely implicated due to previous enmity and political grudge. The statement recorded u/s.161 Cr.P.C. also does not show that the present Petitioner is involved in the crime. However, learned counsel for the Petitioner undertakes that he will abide by the terms and conditions fixed by the trial court in the event of release.

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. Learned State Counsel further submits that a quantity of 25 kgs. of Ganja was recovered inside the car where Petitioner and another accused namely, Vivekananda Mohanty were present. He also 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 on proper application.

(A.K. Mohapatra)
Judge