

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6744 of 2021

S.K. Muktar

.... ***Petitioner***
Mr. Somanath Mitra, 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 P.R. Case No.51/21-22, corresponding to 2(a) C.C. Case No.32 of 2021, pending in the file of learned Sessions-cum-Special Judge, Cuttack, 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 since the date of his arrest, i.e. 20.06.2021. It is further submitted that the allegations made in the FIR are false and concocted one, which has been done with an ulterior motive to harass and humiliate the present Petitioner. There is no incriminating material available against the Petitioner to implicate the Petitioner in the present case. The statement of witnesses also does not support the prosecution allegation.

5. Learned counsel for the State vehemently opposes the prayer for bail of the Petitioner as he is a driver by profession, who's native place is in West Bengal. Learned State Counsel further submits that a quantity of 21 kgs. of Ganja was recovered from the co-accused and present Petitioner. He, however, submits that 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 get involved 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