

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

**BLAPL No.6748 of 2021**

***Sudhir Kumar Batra***

....

***Petitioner***

*Mr. T. Panigrahi, Advocate*

**-versus-**

***State of Odisha***

....

***Opposite Party***

*Mr. P.C. Das, A.S.C.*

**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. Heard learned counsel for the Petitioner and learned counsel for the State. Perused the F.I.R., case diary and other relevant documents on record.
  3. This is an application under Section 439 of the Criminal Procedure Code.
  4. The Petitioner is an accused in G.R. Case No.61 of 2021 corresponding to Mohana P.S. Case No.88 of 2021 pending in the court of learned Special Judge, Gajapati, Paralakhemundi for commission of offence punishable under Sections 20(b)(ii)(C)/25/29 of the N.D.P.S. Act.
  5. Learned counsel for the Petitioner submits that the Petitioner is an innocent man and he was used as a guide of the Truck where the contraband articles were kept concealed and that the Petitioner had no knowledge about the same and he was only hired to show the destination. This assertion of the petitioner is corroborated by the statement corroborative of one official witness, namely Udhaba Bhuyan. Further it is stated that the Petitioner No.1-Balwinder Singh and Petitioner No.2 Jagajit Singh are the habitual offenders and Section 37 of the N.D.P.S. is not attracted against the Petitioner. He further submits that the Petitioner is a young boy and there is no criminal antecedent of similar nature against the

Petitioner.

6. Learned counsel for the State vehemently opposes the prayer for bail of the Petitioner and submits that the contraband articles might not have been seized from the conscious possession of the Petitioner. However, it cannot be said that he had no knowledge of the contraband articles in the vehicle.

7. Having heard learned counsel for the parties and considering the period of detention of the Petitioner, age of the Petitioner and the fact that the Petitioner was used as a guide by the Truck driver to show them road and that Section 37 of the N.D.P.S. Act is not attracted, it is directed that let the Petitioners be released on bail on furnishing a bail bond of Rs.50,000/- (rupees fifty thousand) with one local solvent surety for the like amount to the satisfaction of the learned court in seisin over the matter subject to conditions that the Petitioner shall not be involved in any offence of similar natures, he shall not tamper with the prosecution evidence or try to threaten or gain over witnesses in any manner whatsoever and shall not make any default in attending the court during trial on each date till conclusion of trial.

9. It is open for the court in seisin over the matter to impose other conditions may deem just and proper.

10. It is further directed that the bail granted to the Petitioners is subject to the condition that learned court below shall verify whether the Petitioners have any criminal antecedents of similar nature. In the event it is found that the Petitioners have any such criminal antecedents, this bail order shall automatically stands revoked.

11. The Bail Application is accordingly disposed of.

12. Urgent certified copy of this order be granted on proper application.