

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6812 of 2021

Dhaneswar Saraka

.... ***Petitioner***
Mr. S.K. Nayak, 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 Muniguda P.S. Case No.75 of 2021, corresponding to T.R. Case No.63 of 2021, pending in the file of learned additional Sessions Judge-cum-Special Judge, Gunupur, for commission of alleged offences under Sections 20(b)(ii)(C)/29 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. 15.06.2021. It is submitted that Petitioner has been falsely implicated in the case and no contraband articles has been recovered from the conscious possession of the Petitioner. It is also stated that Petitioner has no criminal antecedents of similar nature.

5. Learned counsel for the State vehemently objects the prayer for bail of the Petitioner. It is submitted that 22 Kgs of Ganja has been recovered from the custody of the present Petitioner. However, he 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 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.

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, till conclusion of the trial. 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 of this order on proper application.

(A.K. Mohapatra)
Judge