

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6884 of 2021

Saroj Kumar

....

Petitioner

Mr.Surya Kanta Dwibedi, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr.M.K.Mohanty,ASC

CORAM:

JUSTICE S.K. PANIGRAHI

ORDER

10.02.2022

Order No.

- 04.
1. This matter is taken up by hybrid mode.
 2. Heard learned counsel for the petitioner and learned counsel for the State.
 3. The petitioner being in custody in Binika P.S. Case No.61 of 2020 corresponding to Special GR Case No. 7 of 2020, pending in the court of the learned Special Judge, Sonepur, registered for the alleged commission of offence under Section 20(b)(ii)(C) of the NDPS Act, has filed this petition under Section 439 Cr.P.C. for his release on bail.
 4. The brief fact of the case is that on 17.03.2020 on getting an information regarding transportation of 'ganja' in a Hundai Verna car bearing Regd. No.WB-06-9509 the informant along with his staff proceeded to the spot and intercepted the alleged vehicle being driven by the present petitioner. On frantically search of the dicky of the car, they recovered contraband 'ganja' weighing about 1 quintal 6 Kg. 630 gram. On being asked, neither the driver nor other occupants present therein

could not produce the authenticated documents with respect to such transportation. Thereafter, after observing all formalities, they seized the recovered article, arrested all the accused persons including the present petitioner and forwarded them to the court for the alleged offence.

5. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. Since the contraband 'ganja was loaded in the dickey of the said vehicle, he had no scope to know about the transportation of the said article. Apart from that, he along with his friend had hired the said vehicle from its owner. More so the driver of the said vehicle who is one of the co-accused, has already been released on bail by order of this Court in BLAPL No.6851 of 2021. He further submits that the contraband article has not been recovered and seized from his conscious possession. He does not have any previous criminal antecedents. The petitioner has been languishing in jail custody since 17.03.2020 which is more than one and eleven months year. He shall abide by all terms and conditions as imposed on him in case he is released on bail.

6. Learned counsel for the State though opposed the bail application but conceded to the submission regarding factum of release of co-accused on bail.

7. However, having heard learned counsel for the parties and taking into account the prolonged detention of the petitioner in custody for about more than one and eleven months and the release of co-accused, it is directed that the petitioner be released on bail in the aforesaid case by furnishing bail bond of

Rs.2,00,000/-(Two Lakhs) with two local sureties of the like amount to the satisfaction of the learned court in seisin over the matter with some stringent terms and conditions including the conditions that:-

- i. the petitioner shall appear before the court below on each date of posting of the case and
- ii. he shall not involve himself in any criminal offence while on bail; and
- iii. he shall not tamper with the prosecution evidence in any manner.

Violation of any of the conditions, shall entail cancellation of bail.

8. The BLAPL is, accordingly, disposed of.

9. Issue certified copy as per Rules.

(*S.K.Panigrahi*)
Judge

LB