

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6901 of 2021

Ajaya Nayak

.... ***Petitioner***
Mr. S.S. Ray-2, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. K.K. Nayak, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
10.02.2022

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.72 of 2021 arising out of Adava P.S. Case No.64 of 2021 pending in the court of learned Special Judge, 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 was standing nearby two bikes in which the contraband articles were being carried. He further submits that those two vehicles are registered in the name of one Rebati Parichha, who is a co-accused. Learned counsel for the Petitioner further submits that contraband articles were not seized from the conscious possession of the Petitioner and only the Petitioner was standing there by chance and he is in custody since 15.06.2021. It

is also submitted that the Petitioner is a B.Tech student and he may be released on bail and that there is no criminal antecedents against the Petitioner.

6. Learned counsel for the State vehemently opposes the prayer for bail of the Petitioner on the ground that number of such cases are increasing day-by-day and no leniency should be shown to the Petitioner or similarly situated persons.

7. Having heard learned counsel for the parties and considering the allegations made against the Petitioner and period of detention of the Petitioner, it is directed that let the Petitioner be released on bail on furnishing a bail bond of Rs.50,000/- (rupees fifty thousand) with two local solvent sureties 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 nature, he shall not tamper with the prosecution evidence or try to threaten or influence the witnesses in any manner whatsoever, shall not make any default in attending the court during trial on each date. Violation of any of the terms and conditions shall entail cancellation of bail.

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

9. It is further directed that the bail granted to the Petitioner is subject to the condition that learned court below shall verify whether the Petitioner has any criminal antecedents. In the event it is found that the Petitioner has any such criminal antecedents, this bail order shall automatically stands revoked.

10. The Bail Application is accordingly disposed of.

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

