

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6969 of 2021

Gour Das

....

Petitioner

Mr.Rajib Lochan Patnaik, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K.Nayak, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

11.05.2022

Order No.

03.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as the learned Additional Standing Counsel for the State.
3. This is an application under Section 439 of the Criminal Procedure Code filed by the Petitioner to release him on regular bail in connection with Orkel P.S. Case No.10 of 2021 corresponding to Spl.G.R.Case No.08 of 2021 pending in the Court of the learned Sessions Judge-cum-Special Judge, Malkangiri for commission of an alleged offence under Section 21(b)(ii)(C) & 25 of the N.D.P.S.Act..
4. The Prosecution case as revealed from the F.I.R. in short is that on 11.01.2021 at about 12.45 A.M. while the Police performing patrolling duty on the road in between Bandiguda Canal bridge and village Chimtapali-A he detected one Hero Honda Splendor Plus motor cycle without registration number and seized the same. In the seized motorcycle one person was riding and another pillion rider was sitting on the backside of the motorcycle and the said motorcycle was loaded

with two plastic bags. The rider and pillion rider disclosed their identity while transporting two plastic bags containing 54 kgs and 500 grams of net ganja.

5. It is submitted by the learned counsel for the Petitioner that the Petitioner, is languishing in custody since 03.07.2021 and the Police after completion of investigation submitted charge sheet in the case. It is also submitted by the learned counsel for the Petitioner that co-accused namely Sarojit Daphadar has been released on bail by this Court in BLAPL No.5227 of 2021. It is further submitted by the learned counsel for the Petitioner that since the Petitioner is the permanent resident of his locality, there is no question of absconding or fleeing from the hands of justice and in the event of his release on bail he undertakes to appear before the trial court on each date of posting.

6. Learned counsel for the State on the other hand opposes the prayer for bail and submits that such type of cases are rising every day in the locality and no leniency should be shown to the Petitioner while considering the prayer for bail of the Petitioner. However he submits that in the event of his release, stringent conditions may be imposed on the Petitioner.

7. Having heard learned counsel for the parties and considering the nature and gravity of the allegation as well as the co-accused has been released on bail by this Court in BLAPL No.5227 of 2021 and the period of custodial detention of the Petitioner, this court is inclined to grant bail to the Petitioner and it is directed that let the Petitioner be released on bail in the aforesaid case on furnishing a bail bond of Rs.50,000/- (Rupees Fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following terms and conditions

- i) he shall appear before the concerned Police Station once in a week preferably on Sunday between 10 A.M. to 1

P.M. till conclusion of trial.

- ii) shall cooperate with the trial of the case and shall appear in trial court on each and every date to which the case is posted.
- iii) shall not indulge in any offence of similar nature
- iv) shall not tamper with the prosecution evidence while on bail.
- v) shall not influence or threaten any prosecution evidence while on bail.
- vi) Violation of any of the terms and conditions shall entail cancellation of bail.

8. 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 of similar nature. In the event it is found that the Petitioner has any criminal antecedent of similar nature, this bail order shall automatically stands revoked.

9. The Bail Application is accordingly disposed of.

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

RKS

(A.K. Mohapatra)
Judge