

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6980 of 2021

Daitari Bagadiat

....

Petitioner

Mr. Puspamitra Mohapatra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. M.K. Mohanty, ASC

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

06.07.2022

Order No.

03. 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 Chitrakonda P.S. Case No.89 of 2021, corresponding to Spl. G.R. Case No.62 of 2021, pending in the file of learned Sessions Judge-cum-Spl. Judge, Malkangiri, for commission of alleged offences under Section 20(b)(ii)(C) and 25 of N.D.P.S. Act.
3. Heard learned counsel for both the parties. Perused the FIR, Case Diary and statement of witnesses.
4. Learned counsel for the Petitioner submits that the Petitioner is in custody since 06.07.2021. It is further submitted that police after completion of investigation has filed charge-sheet against the Petitioner. It is submitted that the contraband articles were seized from the two wheel, which was parked from

the house of present Petitioner. He further submits that the contraband articles were neither seized from the conscious possession of the Petitioner nor from the house of the Petitioner. Petitioner has been falsely arrayed in this case as an accused. It is further submitted by the contraband articles were recovered in front of the house of the Petitioner on public road. It is also submitted that in the event Petitioner is released on bail, he shall abide by the terms and conditions as would be fixed by this Court. Accordingly, he urges for bail of the present Petitioner.

5. Learned counsel for the State vehemently opposes the bail application of the Petitioner on the ground that the case of illegal trafficking of contraband article is increasing rapidly in the State of Odisha, therefore, no leniency should be shown to the accused person involving in such matters. Learned State Counsel further submits that a quantity of 100 kg.320 grams of contraband ganja has been recovered from the TVS XL Motor cycle. Accordingly, he prays for rejection of the bail application of the Petitioner.

6. Having heard learned counsel for the parties and considering the custodial detention of the Petitioner and the peculiar facts and circumstances of the case, this Court is inclined to release the Petitioner on bail subject to stringent conditions. Let the Petitioner be released on bail subject to furnishing 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 the following terms and conditions :

- i) He shall not indulge in similar nature of offence;
- ii) He shall appear before the trial court on each and every date and shall cooperate for early conclusion of trial;
- iii) He shall not tamper with the prosecution evidence and shall not make any attempt to influence or threaten the witnesses;
- iv) He shall provide his address as well as his phone number to the concerned Police Station and keep the same updated in the event the same is changed in future;
- v) He shall appear before the concerned Police Station once in a fortnight preferably on Sunday between 10 A.M. to 1 P.M. till conclusion of trial.
- vi) He shall not leave the jurisdiction of the court without prior permission of the trial court;

7. 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 order shall automatically stand revoked.

9. With the aforesaid observation the BLAPL stands disposed of.

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

(A.K. Mohapatra)
Judge

U.K.Sahoo

