

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7024 of 2021

Kartika Khilla

....

Petitioner

Ms. Mamata Mishra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. M.K. Mohanty, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

22.02.2022

Order No.

03.

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 Special G.R. Case No.56 of 2021 arising out of Chitrokada P.S. Case No.73 of 2021 pending in the court of learned Sessions Judge-cum-Special Judge, Malkangiri for commission of offence punishable under Section 20(b)(ii)(C)27-A of the N.D.P.S. Act.
5. It is submitted by learned counsel for the Petitioner that the Petitioner is in custody since 21.07.2021 and charge-sheet in the case has already been submitted. He further submits that the Petitioner was not named in the F.I.R. and he has been implicated in the case on the basis of the statement of the co-accused persons. He also

submits that the Auto-rickshaw seized by the police belongs to the Petitioner and the contraband articles, which was seized by the police was not within the exclusive possession of the present Petitioner and that Section 37 of the N.D.P.S. is not attracted against the Petitioner. Learned counsel for the Petitioner submits that the co-accused persons have been released on bail.

6. Mr. Mohanty, learned Additional Standing Counsel for the State vehemently, opposes the prayer for bail of the Petitioner and submits that illegal trafficking of contraband articles is rising 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 period of detention of the Petitioner as well as role of the Petitioner and the co-accused persons have already been released on bail, it is directed that let the Petitioner be released on bail on furnishing a bail bond of Rs.50,000/- (rupees fifty thousand) with one local solvent surety 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 without fail and shall appear before the concerned Police Station once in a week preferably on 'Sunday' in between 10.00 A.M. to 1.00 P.M. till conclusion of trial. 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 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 criminal antecedents of similar nature, this bail order shall automatically stand revoked.

10. The Bail Application is accordingly disposed of.

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

Jagabandhu

(*A.K. Mohapatra*)
Judge

