

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7068 of 2021

Ajaya Majhi

....

Petitioner

Mr. S.K. Bhanjadeo, Advocate

-versus-

State of Odisha

....

Opposite Party

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

11.02.2022

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 C.T. Case No.29 of 2021 arising out of Phiringia P.S. Case No.42 of 2021 pending in the court of learned Sessions Judge-cum-Special Judge, Phulbani for commission of offence punishable under Sections 20(b)(ii)(C)/25/29 of the N.D.P.S. Act.
5. It is submitted by learned counsel for the Petitioner that the Petitioner was traveling in the Car as gratuitous passenger and he was sitting in the back seat. The owner of the Car and the driver of the said vehicle, who were present in the said vehicle, fled away from the spot after seeing the police. He further submits that since

the Petitioner did not have any knowledge about the same, he could not run away and therefore, he was apprehended by the police at the spot. Further learned counsel for the Petitioner submits that the Petitioner is in custody since 04.04.2021 and he is no way involved in the alleged offence. The owner and the driver of the vehicle carrying the contraband substances which was not within the knowledge of the Petitioner.

6. Mr. Nayak, learned Additional Standing Counsel for the State submits that the petitioner was apprehended at the spot by the police whereas the other two persons fled away. Therefore, the involvement of the present Petitioner in the alleged offence cannot be ruled out and further submits 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 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. 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. 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.

Jagabandhu

(*A.K. Mohapatra*)
Judge

