

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7071 of 2021

Dillip Kumar Digal

....

Petitioner

Mr. S.K. Bhanjadeo, Advocate

-versus-

State of Odisha

....

Opposite Party

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

23.03.2022

Order No.

04.

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 as well as statement of the witnesses.
3. This is an application under Section 439 of the Criminal Procedure Code.
4. The Petitioner is an accused in C.T. Case No.53 of 2021 arising out of Gochhapada P.S. Case No.60 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) of the N.D.P.S. Act.
5. The prosecution case is that On 02.08.2021 at about 8.10 A.M. while the S.I. of Police Gochhapada Police Station along with their staffs were performing patrolling duties got information from reliable sources with regard to the transportation of ganja in one silver colour Tata Indica Car, bearing Registration No.OR-02-AN-3940. Thereafter, it is alleged that the police personnel intercepted the car which was approaching is towards Phulbani. The further case of the prosecution is

that the police personnel by searching the car seized 47 Kgs. 250 grams of ganja from the boot of the car and prepared a seizure list.

6. It is submitted by learned counsel for the Petitioner that the Petitioner is in custody since 02.08.2021 and investigation of the case has been completed and charge-sheet in the case has been submitted. He further submits that the petitioner is an innocent and a poor driver of the said vehicle and two other persons were also travelling with the said vehicle. Further he submits that the petitioner does not have any criminal antecedents of similar nature and that there is no scope for absconding or fleeing from the hands of the justice and that the Petitioner is a local man.

7. Leaned counsel for the State, on the other hand, 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.

8. Considering submissions made by the parties and the period of custodial detention of the Petitioner and the fact that the petitioner is a driver of the vehicle and he has no criminal antecedents, 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 the following conditions:-

- I. The Petitioner shall not be involved in any offence of similar nature;
- II. he shall not tamper with the prosecution evidence or try to threaten or influence the witnesses in any manner whatsoever;
- III. he shall not make any default in attending the

court during trial on each date without fail;

- IV. he 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; and
- V. He shall not leave the jurisdiction of the Court in seisin over the matter and shall furnish his address and mobile number to the police from time to time.

Violation of any of the terms and conditions shall entail cancellation of bail.

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

10. 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 antecedents, this bail order shall automatically stand revoked.

11. The Bail Application is accordingly disposed of.

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

(A.K. Mohapatra)
Judge