

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7081 of 2021

Bandhan Kumar Chowdhary @ Chowdhari ***Petitioner***

Mr. J..N.Panda, Advocate

-versus-

State of Odisha ***Opposite Party***
Mr. M.K.Mohanty, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

28.03.2022

Order No.

- 05.
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.
 3. Perused the Case Diary, F.I.R. and the statements of the witnesses recorded under section 161 Cr.P.C.
 3. This is an application under Section 439 of the Criminal Procedure Code.
 4. The Petitioner is an accused in C.T.Case No.34 of 2021 (NDPS) arising out of Kesigna P.S. Case No.238 of 2021 pending in the court of the learned Special Judge, Kalahandi, Bhawanipatna for commission of alleged offences under Sections 20(b) (ii) (C) of NDPS Act.
 5. The prosecution story as revealed from the F.I.R. is that on 29.06.2021 the staff of Kesigna Police Station intercepted a car bearing Regd. No.OR-01-S-5599 while coming from Bhawanipatna side at

Kesigna and found two accused persons inside car and detected with ganja weighing about 79 kgs contained in different packets. The IIC and other staff of Kesigna Police Station apprehended the accused persons and seized the ganja.

6. It is submitted by the learned counsel for the Petitioner that the Petitioner is the driver of the vehicle and the owner is somebody else. Two persons were travelling in the car. Contraband articles were seized from the vehicle. It is submitted by the learned counsel for the Petitioner that the Petitioner is a poor man having his family to look after. Further, he submits that he shall abide by any terms and conditions that will be imposed by this Court and he shall cooperate with the trial.

7. 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..

8. Considering the submissions made by learned counsel for both the parties and considering 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 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 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 trial court without specific permission of the trial Court.

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. The Bail Application is accordingly disposed of.

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

(A.K. Mohapatra)
Judge