

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7109 of 2021

Madhusar Kanhar @ Madhuswar Kanhar ***Petitioner***

Mr. Smruti Ranjan Mohapatra, Advocate
-versus-

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

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
14.02.2022

Order No.

02. 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 Boudh P.S. Case No.101 of 2021, corresponding to Special Case No.20 of 2021 (NDPS Act), pending in the file of learned Sessions Judge-cum-Special Judge, Boudh, for commission of alleged offences under Sections 20(b)(ii)(c) of N.D.P.S. Act.
3. Heard learned counsel for the Petitioner, learned counsel for the State. Perused the FIR and other relevant documents on record.
4. Learned counsel for the Petitioner submits that Petitioner has been implicated in the case on the statement of the co-accused person, namely, Bhagirathi Kanhar. It is further alleged by learned counsel for the State that Bhagirathi Kanhar is the Principal Accused has filed the F.I.R., who was doing this illegal contraband Ganza

business and Petitioner was engaged by him as a labourer to assist him in packaging the said contraband articles. On the basis of such statement, he has been arrested and languishing in jail custody since 10.04.2021.

5. Learned counsel for the State on the other hand submits that there is ample material on record to show that the Petitioner is involved in the alleged crime. Further it is also submitted that such types of incidences are rising day by day, therefore, the present Petitioner's bail application may be rejected.

6. Having heard learned counsel for the parties, considering the nature and gravity of offences alleged and the period of detention of the Petitioner, this Court is inclined to release the Petitioner on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand) with one local surety for the like amount to the satisfaction of the learned court in seisin of the matter subject to conditions that the Petitioner shall not involve himself in any similar nature of offence particularly involving the offence under the NDPS Act.

7. Petitioner is also directed to appear before the local police station at an interval of every fifteen days between 11.00 A.M. to 1.00 P.M. on a working day once he comes out of the jail custody, till conclusion of the trial. It is further directed that the court in seisin of the matter to verify the criminal antecedents of the Petitioner and impose any additional condition(s), if situation so warrants. This order shall remain valid in the event the court in seisin of the matter is satisfied that Petitioner has no criminal antecedents.

8. With the above direction, the BLAPL is accordingly allowed.

9. Issue urgent certified copy of this order on proper application.

(A.K. Mohapatra)
Judge

U.K.Sahoo

