

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7112 of 2021

Santosh Kumar Chauhan @ Ajay Kumar ***Petitioner***

Mr. Mritunjay Banerjee, 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 Kumbharpada P.S. Case No.47 of 2020, corresponding to Special G.R.Case No.29 of 2020, pending in the file of learned IInd Addl. Sessions Judge-cum-Special Judge, Puri, 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 in the jail custody since the date of his arrest, i.e. 07.02.2020. It is submitted that basing on the confessional statement of the witnesses, he has been implicated in the present case. It is further submitted that Petitioner has no criminal antecedents and is a young boy of only 23 years.

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. He further submits that the man belongs to the State of Bihar, he may not cooperate with the investigation of the case, if he is released on bail. Accordingly he prays that the bail application of the Petitioner may be rejected. Moreover, a quantity of 35 Kg. 150 grams contraband ganja and flowering part of cannabis trees have been recovered from the possession of the Petitioner.

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. Further he shall not leave the jurisdiction of the trial court without special permit and cooperate in the trial. The court in seisin of the matter is also directed 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

