

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7144 of 2021

Kartik Mandal

.... ***Petitioner***
Mr.J.K.Panda, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr.K.K.Nayak,A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
14.02.2022

Order No.

2. 1. This matter is taken up through Hybrid Arrangement (virtual/Physical Mode).
2. This is an application under Section 439 of the Code of Criminal Procedure filed by the Petitioner for bail in connection with Orkel P.S.Case No.67 of 2021, corresponding to Special G.R.Case No.47 of 2021, pending in the Court of the learned Sessions Judge-cum-Special Judge, Malkangiri for alleged commission of offences under Sections 20(b)(ii)C/27 of N.D.P.S. Act, 1985.
3. Perused the records.
4. It is submitted by the learned counsel for the Petitioner that the Petitioner was not arrested on the spot and nothing was seized from his conscious and exclusive possession. It is only basing on the statement of the co-accused persons that the petitioner was there with them and fled away at the spot, the Petitioner has been arrested by the Police in this case. It is further submitted by the learned counsel for the Petitioner that the Petitioner is in custody since 10.04.2021 and further charge sheet has also been filed in the meantime.

5. Learned counsel for the State opposes for grant of bail to the present Petitioner on the ground that co-accused persons have named the present Petitioner and his involvement is established by such statement of co-accused persons. He further submits that such type of trafficking of contraband ganja in the locality is increasing day by day and no leniency should be shown to the Petitioner or similarly situated persons.

6. Considering the submissions advanced by the learned counsel for both the sides and considering the fact that the Petitioner has been arrested only on the basis of the statement of the co-accused persons and keeping in view the custodial detention, this Court is inclined to grant bail to the Petitioner and direct release the Petitioner on bail in the above case, 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 condition that the Petitioner shall not indulge in such type of offence while on bail, shall appear before the concerned Police Station once in a week preferably on Sunday between 10 A.M. to 1 P.M. till conclusion of trial, shall not tamper with the prosecution evidence or try to threaten or influence the witnesses in any manner whatsoever, shall cooperate the trial court in disposal of the case without fail and shall not leave the jurisdiction of the court without permission of the trial Court. Further, it is open to the court in seisin over the matter to impose any additional condition (s), if situation so warrants.

7. 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 of similar nature, this bail order shall automatically stand revoked.

5. The BLAPL is accordingly disposed of.
6. Issue urgent certified copy of this order as per Rules.

RKS

(*A.K. Mohapatra*)
Judge

