

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7145 of 2021

Jada @ Tapan Mallik

..... Petitioner
Mr. U.C. Jena, Advocate

-versus-

State of Odisha

..... Opposite Party
Mr. K.K. Nayak, ASC for State

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
06.04.2022

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 Case Diary, FIR and statement of witnesses.
3. The Petitioner is in custody since 28.07.2021 in connection with Bhadrak Rural P.S. Case No.192 of 2021, corresponding to Special (NDPS) Case No.45 of 2021, pending in the court of learned Special Judge, Bhadrak, for the alleged commission of offence under Sections 21(c)/29 of N.D.P.S. Act,
4. Learned counsel for the Petitioner submits that Petitioner is police has filed charge-sheet after completion of investigation. Other vehicle is also carrying contraband articles. The contraband articles on whose possession have been seized, they have been arrested by the police. Since contraband articles

have not been seized from the conscious possession of the Petitioner, bar of Section 37 of the NDPS not attracted to the case of the Petitioner. Petitioner are the local residents, therefore, there is no chance to avoid the trial of the case.

6. Learned counsel for the State vehemently objects the bail application of the Petitioner and submits that the Petitioner are indulging with heinous offences, therefore they should be enlarged on bail.

7. Having regard to the facts and circumstances of the case, 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.50,000/- (Rupees Fifty thousand) with one local surety for the like amount to the satisfaction of the learned court in seisin of the matter subject to the following conditions :

i) He shall not involve himself in any similar nature of offence particularly involving the offence under the NDPS Act;

(ii) He shall appear before the trial court on each and every date as fixed by the court;

(iii) He shall appear before the I.O. on every fortnight of the month, preferably on Sunday at 10 A.M. to 1.00 P.M. and report to the police;

(iv) He shall not tamper with the prosecution evidence;

(v) He shall not influence or threaten any prosecution witness and cooperate in the investigation;

(vi) He shall provide his present address and mobile number to the I.O. and if any changes therein shall also be intimated to the I.O.;

(vii) He shall not leave the jurisdiction of the court without special permission from the court; and

(viii) Violation of any of the above conditions shall entail cancellation of the bail.

8. 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.

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

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

(A.K. Mohapatra)
Judge