

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7155 of 2021

Sagar Das

....

Petitioner

*Mr. Dharanidhar Nayak, Sr. Advocate and
Mr. Basanta Kumar Das, Advocate*

-versus-

State of Orissa

....

Opposite Party

Mr. K.K. Nayak, ASC for State

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

07.03.2022

Order No.

03. 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 Malkangiri P.S. Case No.303 of 2021, corresponding to Spl. G.R. Case No.72 of 2021, pending in the file of learned Sessions Judge-Special Judge, Malkangiri, for commission of alleged offences under Sections 20(b)(ii)(c)/25/27(a)/29 of N.D.P.S. Act.
3. Heard learned counsel for both the parties. Perused the F.I.R. and the case records.
4. Learned counsel for the Petitioner submits Petitioner is languishing in jail custody since the date of his arrest, i.e. 04.08.2021. It is further submitted that Petitioner is a simple, innocent and law abiding person. He has been falsely implicated in this case and he has no role to play in this case. The further

submission was that the present Petitioner is a permanent residence of the Kalimela Police Station, Malkangiri, therefore, there is no chance of absconding to evade trial or to tamper with the prosecution witnesses. The further submission is that Petitioner has no criminal antecedents of similar nature.

5. Learned counsel for the State vehemently objects the prayer for bail of the Petitioner. It is stated that a quantity of 33 Kgs. 200 grams of contraband Ganja were recovered from the present Petitioner. He further submits that no leniency should be shown in view of the fact that such type of offences are increasing day by day in the State. However, he submits in the event of release, stringent conditions may be imposed on 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.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 :

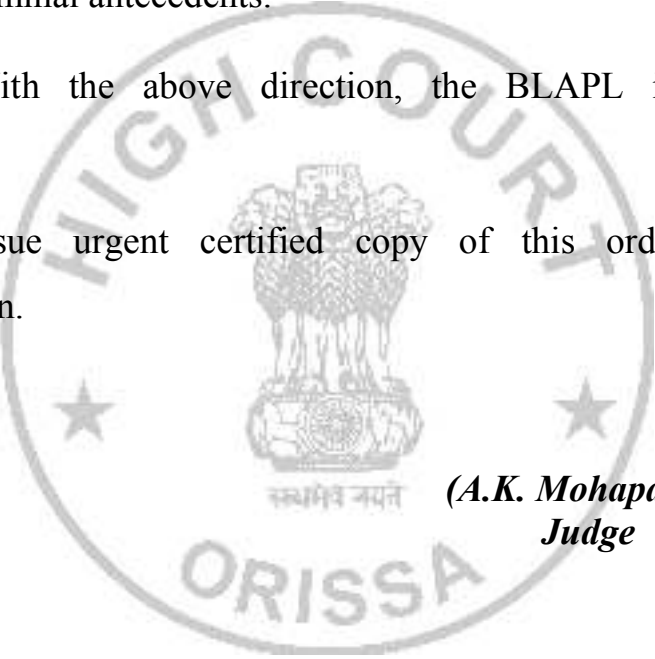
- (i) He shall not involve himself in any similar nature of offence particularly involving the offence under the NDPS Act.
- (ii) He shall appear before the trial court on each and every date as fixed by the court;
- (iii) He shall not tamper with the prosecution evidence;
- (iv) He shall not influence or threaten any prosecution evidence and cooperate in the investigation; and

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

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. 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.

The seal of the Orissa High Court is a circular emblem. It features the Ashoka Lion Capital in the center, with the motto 'Satyameva Jayate' in Devanagari script below it. The words 'HIGH COURT' are written in an arc at the top, and 'ORISSA' is written in an arc at the bottom. Two five-pointed stars are positioned on either side of the central emblem.
(A.K. Mohapatra)
Judge