

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7211 of 2021

Mitu @ Mohan Sahu

....

Petitioner

Mr. Himnshu Bhusan Dash, 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. This is an application under Section 439 Cr.P.C. filed by the Petitioner for bail in connection with Sonapur P.S. Case No.161 of 2021, corresponding to Spl. G.R. Case No.08 of 2021, pending in the file of learned Sessions Judge-cum-Special Judge, Sonapur, for commission of alleged offences under Sections 20(b)(ii)(C)/25/29 of N.D.P.S. Act.
3. Heard learned counsel for both the parties. Perused the FIR, Case Diary and statement of witnesses.
4. The case of the prosecution, in a nutshell, is that one SI of Sonapur P.S. reported on 29.06.2021 at about 6.45 A.M. alleging therein that while he was on patrolling duty along with some of his staff it was found that one red colour I-20 car with number plate bearing OD-05-AH-5199 was coming from

Manmunda side with high speed. When the same was stopped it was found that two persons were sitting there and on being checked, it was found that they were in possession of 4 bags of Ganja in cabin and dickey. Thereafter, the same was weighed and found to be of about 94 kgs. On being apprehended, they confessed their guilt. Further the mobile phone of the Petitioner, PAN card and money possessed by the accused Mitu was seized.

5. Learned counsel for the Petitioner submits Petitioner is languishing in jail custody since the date of his arrest, i.e. 29.06.2021. On interrogation, the accused person present in the vehicle submitted that the owner of the vehicle was carrying the said Ganja. The petitioner was a paid driver. On the eventful night, the driver was asked to drive the vehicle. On the way, they have been detained by the police and arrested. The ganja was carried cabin as well as inside the dickey the same were found to be illegally transported without having any authority. The further submission was that petitioner belongs to the locality, so there is no chance of evading the trial of the case in the event of his release.

6. Learned counsel for the State vehemently objects the prayer for bail of the Petitioner. It is submitted that now-a-days case of illegal trafficking of contraband articles are increasing day by day, therefore, no leniency should be shown to the present Petitioner, who involved in such crime. Accordingly, he prays for rejection of his bail application.

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 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

U.K.Sahoo

