

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7215 of 2021

Sasanka Sekhar Muni @ Kanha ***Petitioner***
Mr. Bidyalok Mohapatra, Advocate
-versus-
State of Odisha ***Opposite Party***
Mr. Manoj Kumar Mohanty, ASC for State

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
04.03.2022

Order No.

05. 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 Kodala P.S. Case No.365 of 2021, corresponding to G.R. Case No.18 of 2021(N), pending in the file of learned Additional Sessions Judge -cum- Special Judge, Khallikote, 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 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 submitted that Petitioner is the owner of the vehicle, which has been seized by the police on the ground that two of his friends were carrying contraband articles. Basing on the co-accused persons, he has been arrested and forwarded to

the jail custody. Further nothing has been seized from the conscious possession of the Petitioner and as Petitioner is a law abiding citizen and permanent resident of the locality, there is no chance of absconding or avoiding the process of law. Petitioner has no criminal antecedents of similar nature. Learned counsel for the Petitioner submits that one of the co-accused person, namely, Tirupati Barada @ Pintu, has been released on bail by this Court in BLAPL No.8055 of 2021 on 25.02.2022. Accordingly a prayer has been made to release the Petitioner on bail, as similarly situated person named above has been released on bail by this Court.

5. Learned counsel for the State vehemently objects the prayer for bail of the Petitioner. It is stated that a quantity of 90 Kgs 520 grams of contraband Ganja were recovered from the vehicle of the present Petitioner involving two accused persons, namely, Bibhu Prasad Panda and Ajaya Kumar Panda. 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.

(A.K. Mohapatra)
Judge