

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8232 of 2022

Mohan Mallick

....

Petitioner

Mr. Anirudha Das, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. S. Mishra, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

27.09.2022

Order No.

01.

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 F.I.R., case diary and other relevant documents as well as statement of the witnesses.
3. This is an application under Section 439 of the Criminal Procedure Code.
4. The Petitioner is an accused in 2(a)C.C. Case No.06 of 2021 arising out of Cuttack Excise E.I. & E.B. P.R. No.183 of 2020-21 pending in the court of learned Sessions Judge-cum-Special Judge for commission of offence punishable under Section 20(b)(ii)(C) of the N.D.P.S. Act.
5. It is submitted by learned counsel for the petitioner that earlier the petitioner had approached this Court by filing a bail application bearing BLAPL No.6731 of 2021, which was disposed on 04.03.2022 by granting liberty to the petitioner to move afresh before

be learned court below after four months and further a direction was given to the trial court to conclude the trial within a period of four months. However, trial of the case has not been concluded as of now. Further, learned counsel for the petitioner submits that a couple of witnesses have been examined and the trial of the case is lingering. It is also submitted by learned counsel for the petitioner that out of a complaint lodged by the Excise Department, the case has been foisted against the petitioner.

6. It is submitted by learned counsel for the petitioner that the petitioner is in custody since 04.02.2021 and the charge-sheet has been submitted by the police in the meantime.

7. Leaned Additional Standing Counsel for the State vehemently opposes the prayer for bail of the petitioner. He further submits that illegal trafficking of contraband articles is rising day-by-day and no leniency should be shown to the petitioner or similarly situated persons.

8. Having heard learned counsel for the parties and considering the facts and circumstances of the case and the period of custodial detention of the petitioner, it is directed that let the petitioner be released on bail on furnishing a bail bond of Rs.50,000/- (rupees fifty thousand) with two local solvent sureties for the like amount to the satisfaction of the learned court in seisin over the matter subject to following conditions that :-

- I. The petitioner shall not be involved in any offence of similar nature;
- II. he shall not tamper with the prosecution evidence or try to threaten or influence the witnesses in any

manner whatsoever;

III. he shall not make any default in attending the court during trial on each date without fail; and

IV. he shall appear before the concerned Police Station once in a week preferably on 'Sunday' in between 10.00 A.M. to 1.00 P.M. till conclusion of trial.

Violation of any of the terms and conditions shall entail cancellation of bail.

9. It is further directed that the bail granted to the petitioner is subject to depositing the cash of Rs.30,000/-(rupees thirty thousand) before the learned court below, which shall be deposited in any Nationalized Bank in interest earning deposit initially for a period of one year renewable from time to time till conclusion of the trial and the same shall be abide by the final outcome of the trial of the case.

10. It is open for the court in seisin over the matter to impose other conditions as may be deemed just and proper.

11. 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.

12. The Bail Application is accordingly disposed of.

Urgent certified copy of this order be granted on proper application.

