

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7316 of 2021

Amod Jena

.... ***Petitioner***
Mr.S.S.Ray-2, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr .M.K.Mohanty,A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

16.02.2022

Order No.

2. 1. This matter is taken up through Hybrid Arrangement (virtual/Physical Mode).
2. Heard learned counsel for the Petitioner and learned Additional Standing Counsel for the State.
3. This is an application under Section 439 of the Code of Criminal Procedure filed by the Petitioner for bail in connection with R.Udayagiri P.S.Case No.95 of 2021, corresponding to G.R.Case No.80 of 2021, pending in the Court of the learned Special Judge, Gajapati at Parlakhemundi for alleged commission of offence under Sections 20(b)(ii)(C),25/29 of N.D.P.S. Act, 1985.
4. Perused the Case Diary, F.I.R. and the statements of the witnesses recorded under section 161 Cr.P.C.
5. The F.I.R. story reveals that the S.I. of Police, R.Udayagiri Police Station intercepted two motorcycles followed by an auto rickshaw on NH-326-A, near Makapada Chhaka at about 5 P.M. on 04.08.2021. On such interception the driver of the auto rickshaw as

well as rider of the bike ran away from the spot. The occupant of the Auto rickshaw and another rider of the bike were detained. On search, it was found that contraband ganja of 52 kg. 600 gms kept in two number of plastic jeri bags in the auto. Accordingly those two persons were arrested and forwarded.

6. Learned counsel for the Petitioner submits that the Petitioner was the occupant and passenger in the Auto rickshaw. He has no knowledge about the contraband ganja which was carried in the auto rickshaw. The driver of the Auto rickshaw and the bike rider ran away from the spot. Since the Petitioner did not have any specific knowledge he did not run away from the spot and was arrested by the Police. It is further submitted that the Petitioner is in custody since 04.08.2021

7. Learned counsel for the State vehemently opposes the prayer for bail of the present Petitioner on the ground that the transportation of illegal contraband ganja is rising day by day and the present Petitioner who was arrested from the spot while he was in the auto rickshaw, therefore, the knowledge of the Petitioner regarding possession of contraband ganja cannot be ruled out.

8. Having heard learned counsel for the respective parties and taking into consideration the period of detention in custody of the Petitioner as well as the fact that the Petitioner did not run away from the spot as he has no knowledge about the possession of contraband ganja, I am inclined to release the Petitioner on bail in the above case, on furnishing a bail bond of Rs.50,000/- (Rupees Fifty thousand) with one local solvent surety for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following conditions:

- i) the Petitioner shall not indulge in such type of offence while on bail;
- ii) shall appear before the concerned Police Station once in a fortnight preferably on Sunday between 10 A.M. and 1 P.M. till completion of trial.
- iii) shall appear before the trial court on each and every date of trial of the case till conclusion of the trial.

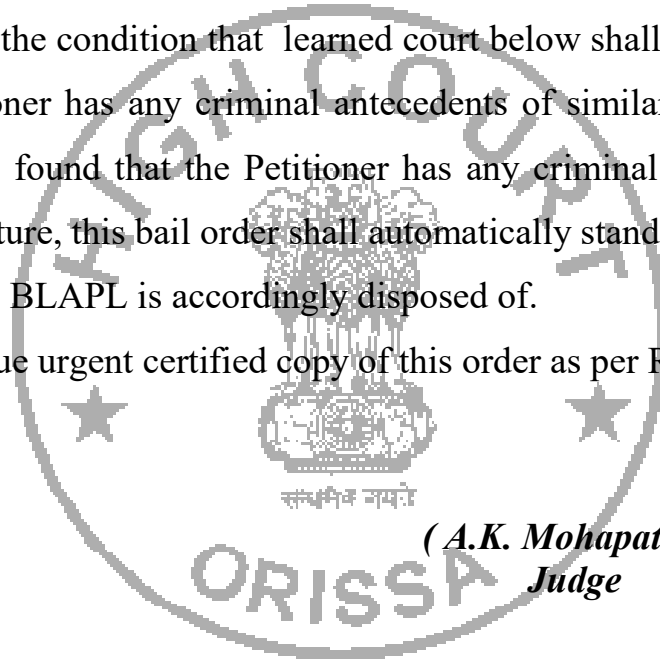
8. Further, it is open to the court in seisin over the matter to impose any additional condition (s), if situation so warrants.

9. 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.

10. The BLAPL is accordingly disposed of.

11. Issue urgent certified copy of this order as per Rules.

RKS



(*A.K. Mohapatra*)
Judge