

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7340 of 2021

Anadi Bhokta

....

Petitioner

Mr.Satyabrata Panda, *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.

3. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This is an application under Section 439 of the Code of Criminal Procedure filed by the Petitioner for bail in connection with Sambalpur Sadar P.S.Case No.24 of 2020, corresponding to T.R.Case No.03 of 2020, pending in the Court of the learned Special Judge-cum-Sessions Judge, Sambalpur for alleged commission of offences under Sections 20(b)(ii)(C)/29 of the N.D.P.S.Act.
3. Perused the case records. The F.I.R. story reveals that on 03.02.2020 the Police of Sambalpur Sadar Police Station at Maneswar chhak at about 4 P.M. intercepted and rounded up the accused persons with the help of police staff. On being asked they disclosed their names and confessed that they have possessed contraband ganja for selling the same in Jharsuguda. The Police seized the contraband articles from the accused persons including the Petitioner and copy of the seizure list was furnished to the accused

persons at the spot.

4. Learned counsel for the Petitioner submits that the Petitioner is an occupant of the vehicle, which was seized by the Police in connection with the case. Charge sheet has been submitted in the case. He further submits that the Petitioner has no knowledge regarding keeping of contraband ganja inside the dickey of the car. The Petitioner is in custody since 03.02.2020.

5. Learned Additional Standing Counsel vehemently opposes the prayer for bail of the Petitioner on the ground that the Petitioner has been apprehended at the spot and such type of offence is increasing day by day in the society.

6 Upon consideration of the submissions made by the respective parties as well as on perusal of the records and on consideration of the peculiar facts and circumstances of the case and considering the fact that the petitioner is languishing in jail custody since 03.02.2020, 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 condition that the Petitioner shall not indulge in similar type of offence while on bail and shall appear before the concerned Police Station once in a week preferably on Sunday between 10 A.M. to 1 P.M. till conclusion of the trial, and shall not tamper with the evidence of the prosecution witnesses in any manner. Further, it is open to the court in seisin over the matter to impose any additional condition (s), if situation so warrants.

7. 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.

8. The BLAPL is accordingly disposed of.
9. Issue urgent certified copy of this order as per Rules.

RKS

(A.K. Mohapatra)
Judge

