

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7341 of 2021

Braja Kishore Naik @ Nayak

....

Petitioner

Mr.Amitav Tripathy, *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 Phiringia P.S.Case No.80 of 2021, corresponding to C.T..Case No.48 of 2021, pending in the Court of the learned Special Judge, Phulbani under NDPS Act for alleged commission of offences under Sections 20(b)(ii)C/25 & 29 of the N.D.P.S.Act.
3. Learned counsel for the Petitioner submits that the Petitioner is an Auto driver and he has no knowledge about the contents of the luggage carried by the passenger in the auto. It is also submitted by the learned counsel for the Petitioner that nothing was seized from the exclusive possession of the Petitioner. The Petitioner is languishing in jail custody since 14.07.2021.
4. Learned Additional Standing Counsel vehemently opposes the prayer for bail of the Petitioner on the ground that 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 14.07.2021, 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 fortnight preferably on Sunday between 10 A.M. to 1 P.M. till conclusion of the trial. 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