

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7348 of 2021

Mahananda Mandal

.... ***Petitioner***
Mr.J.K.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 Mathili P.S.Case No.130 of 2020, corresponding to T.R..Case No.103 of 2020, pending in the Court of the learned Sessions Judge-cum-Special Judge, Malkangiri for alleged commission of offences under Sections 20(b)(ii)(C)/27-A/29 of the N.D.P.S.Act.
3. Learned counsel for the Petitioner submits that the Petitioner has been entangled in this case on the basis of co-accused statement and nothing contraband articles has been seized from his conscious and exclusive possession. The Petitioner is in custody since 15.08.2021.
4. Learned Additional Standing Counsel vehemently opposes the prayer for bail of the Petitioner on the ground that 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 co-accused persons have been released in the case and the custodial detention of the Petitioner since 15.08.2021, 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