

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7352 of 2021

Sudhir Kumar Ray

....

Petitioner

Mr.Manoranjan Padhy,Advocate

-versus-

State of Odisha

....

Opposite Party

Mr.M.K.Mohanty, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

21.03.2022

Order No.

- 03.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard Mr.Manoranjan Padhy, learned counsel for the Petitioner as well as Mr.M.K.Mohanty, learned Additional Standing Counsel for the State.
 3. This is an application under Section 439 of the Criminal Procedure Code filed by the Petitioner to release him on regular bail in connection with G.R.Case No. 27 of 2021 pending in the Court of the learned Sessions Judge-cum-Special Judge, Gajapati at Parlakhemundi, corresponding to Mohana P.S.Case No.25 of 2021 for commission of the alleged offences under Sections 20 (b) (ii) C/29 of the N.D.P.S. Act.
 4. The prosecution case in brief is that while the informant along with his staff were performing duty near Kamalpur Chhak on 23.01.2021 at about 11.30 A.M. intercepted a number less car coming

in high speed from Luhagudi. The informant gave signal to the Car to stop but did not stop and tried to flee away towards Taptapani side. Thereafter the Police party chased the car, but the driver of the case fled away from the spot. After verification of the Car the Police found some contraband articles loaded in the case. Then the Police lodged F.I.R. against unknown persons.

5. It is submitted by the learned counsel for the Petitioner that the Petitioner was taken on remand in this case on 20.08.2021 while he was in custody in another similar nature of case. It is further submitted by the learned counsel for the Petitioner that the F.I.R. has been lodged against unknown persons. Later on during investigation it came to light that the phone number of the Petitioner is found in the Mobile Phone of Keshab Raiti and on that basis, the present Petitioner has been implicated and arrested in this case. It is further submitted by the learned counsel for the Petitioner that Charge Sheet has been submitted in this case after completion of investigation. He also submits that the alleged recovery of ganja weighing 61 kg. has not been recovered from the exclusive and conscious possession of the Petitioner. The Petitioner has been falsely implicated in this case. He further submits that although the Petitioner is a man of Bihar State he lives in Bandalgadi under Adava Police Station, there is no chance of fleeing away from the hands of justice.

6. Learned counsel for the State on the other hand opposes the prayer for bail of the petitioner and submits that case of illegal trafficking of contraband ganja is increasing rapidly in the State of Odisha. Therefore no leniency should be shown to the Petitioner while considering his bail application. Accordingly, he prays for rejection of the bail application of the Petitioner.

8. Having heard learned counsel for the parties and considering the fact that the alleged contraband ganja was not recovered from the

exclusive and conscious possession of the Petitioner, for which the provisions of Section 37 of the NDPS Act is not attracted in the present case and the fact that the Petitioner is in custody on remand, this Court is inclined to release the Petitioner on bail subject to stringent conditions. Let the Petitioner be released on bail subject to furnishing bail bond of Rs.50,000/- (Rupees Fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following terms and conditions :

- i) he shall not indulge in similar nature of offence.
- ii) shall appear before the trial court on each and every date and shall cooperate the trial court for early conclusion of trial.
- iii) shall not tamper with the prosecution evidence and shall not make any attempt to influence or threaten the witnesses.
- iv) shall provide his address as well as his phone number to the concerned Police Station and keep the same updated in the event the same is changed in future.
- v) shall appear before the concerned Police Station once in a week preferably on Sunday between 10 to 1 P.M. till conclusion of trial.
- vi) Violation of any of the terms and conditions shall entail cancellation of bail.

10. With the aforesaid observation the BLAPL stands disposed of.

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

