

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7391 of 2021

Prabina Majhi

.... ***Petitioner***
Mr. M. Padhy, Advocate

-versus-

State of Odisha

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

17.02.2022

Order No.

02.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and learned counsel for the State. Perused the F.I.R., case diary and other relevant documents on record.
3. This is an application under Section 439 of the Criminal Procedure Code.
4. The Petitioner is an accused in G.R. Case No.39 of 2021 arising out of Mohana P.S. Case No.38 of 2021 pending in the court of learned Sessions Judge-cum-Special Judge, Parlakhemundi for commission of offence punishable under Section 20(b)(ii)(C)25/29 of the N.D.P.S. Act.
5. It is submitted by learned counsel for the Petitioner that the Petitioner is a poor person, he was engaged as a driver of the vehicle and he had no knowledge about the bag kept in the vehicle containing contraband articles. He further submits that the bag containing contraband articles, which was seized from the vehicle does not belong to him. He further submits that the Petitioner does not have any criminal antecedents of similar nature and he is in custody since 06.02.2021
6. Mr. Mohanty, learned Additional Standing Counsel for the State

vehemently, opposes the prayer for bail of the Petitioner and submits that the Petitioner is a driver of the vehicle and he had knowledge about the containing of the bag and that further submits that number of such cases are increasing day-by-day and no leniency should be shown to the Petitioner or similarly situated persons.

7. Having heard learned counsel for the parties and considering the period of detention of the Petitioner as well as role of the Petitioner, it is directed that let the Petitioner be released on bail 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 conditions that the Petitioner shall not be involved in any offence of similar nature, he shall not tamper with the prosecution evidence or try to threaten or influence the witnesses in any manner whatsoever, shall not make any default in attending the court during trial on each date without fail and shall appear before the concerned Police Station once in a week preferably on 'Sunday' in between 10.00 A.M. to 1.00 P.M. till conclusion of trial. Violation of any of the terms and conditions shall entail cancellation of bail.

8. It is open for the court in seisin over the matter to impose other conditions may deem just and proper.

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. In the event it is found that the Petitioner has any criminal antecedents, this bail order shall automatically stand revoked.

10. The Bail Application is accordingly disposed of.

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

