

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7410 of 2021

Samir Ansari

....

Petitioner

Mr. Dushmanta Sahoo, Advocate

Mr.A.P.Bose, Advocate

-versus-

State of Orissa

....

Opposite Party

Mr. K.K. Nayak, ASC for State

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

09.03.2022

Order No.

03. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This is an application under Section 439 Cr.P.C. filed by the Petitioner for bail in connection with Adava P.S. Case No.50 of 2021, corresponding to G.R. Case No.60 of 2021, pending in the file of learned Special Judge-cum-District and Sessions Judge, Gajapati, Paralakhemundi, for commission of alleged offences under Sections 20(b)(ii)(C)/25/29 of N.D.P.S. Act.
3. Heard learned counsel for both the parties. Perused the F.I.R., Case Diary as well as statement of the Informant.
4. Learned counsel for the Petitioner submits Petitioner is languishing in jail custody since the date of his arrest, i.e. 11.04.2021. It is further submitted that police after completion of investigation has submitted Charge-Sheet. As per the FIR, the present Petitioner and others were travelling in a Maruti Suzuki

Wagoner bearing Registration No.WB-02-W-8144 carrying with them the contraband articles (Ganja). On the way, police detained them and arrested and seized the contraband articles. Learned counsel for the Petitioner submits that Petitioner, who was a driver in the Car, pretends to have no knowledge about the contraband articles inside the Car. It is also submitted that Section 37 of the NDPS Act is not attracted to the case of the Petitioner. Accordingly, a prayer has been made for grant of bail.

5. Learned counsel for the State vehemently objects the prayer for bail of the Petitioner on the ground that illegal trafficking of contraband articles are increasing day by day in the State of Orissa, which has become the headlines of daily newspapers. It is submitted that a quantity of 35 Kgs. 700 grams of contraband Ganja was recovered from the Car. He, however, submits that in the event release of the Petitioner, stringent conditions may be imposed.

6. Having heard learned counsel for the parties and the nature and gravity of offences, the period of detention of the Petitioner, this Court is inclined to release the Petitioner on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty thousand) with one local surety for the like amount to the satisfaction of the learned court in seisin of the matter subject to the following conditions :

- (i) He shall not involve himself in any similar nature of offence particularly involving the offence under the NDPS Act;
- (ii) He shall appear before the trial court on each and every date as fixed by the court;
- (iii) He shall appear before the I.O. on every Sunday at 10 A.M. to 1.00 P.M. and report to the police;

(iv) He shall not tamper with the prosecution evidence;

(v) He shall not influence or threaten any prosecution witness and cooperate in the investigation;

(vi) He shall provide his present address and mobile number to the I.O. and if any changes therein shall also be intimated to the I.O.;

(vii) He shall not leave the jurisdiction of the court without special permission from the court; and

(viii) Violation of any of the above conditions shall entail cancellation of the bail.

7. It is further directed that the court in seisin of the matter to verify the criminal antecedents of the Petitioner and impose any additional condition(s), if situation so warrants. This order shall remain valid in the event the court in seisin of the matter is satisfied that Petitioner has no criminal antecedents.

8. With the above direction, the BLAPL is accordingly allowed.

9. Issue urgent certified copy of this order on proper application.

(A.K. Mohapatra)
Judge