

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7423 of 2021

Jyotikanta Digal

.... ***Petitioner***
Mr.K.C.Tripathy, *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.

2. 1. 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 Excise District Mobile, Kandhamal P.R.No.36/2021-22, corresponding to 2(a) C.C.Case No.19 of 2021, pending in the Court of the learned Sessions Judge-cum-Special Judge, Phulbani for alleged commission of offences under Sections 20(b)(ii)(C) of the N.D.P.S.Act.
3. Learned counsel for the Petitioner submits that the contraband articles have not been seized from the conscious possession of the present petitioner and the Petitioner is in custody since 14.08.2021.
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 the fact that the petitioner is languishing in jail custody since 14.08.2021, 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