

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7494 of 2021

Ajay Kumar Sahu

....

Petitioner

Mr. A.K. Nath, Advocate

-versus-

State of Odisha

....

Opposite Party

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

23.03.2022

Order No.

03.

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 as well as statement of the witnesses.
3. This is an application under Section 439 of the Criminal Procedure Code.
4. The Petitioner is an accused in Special NDPS Case No.32 of 2021 arising out of Bausuni P.S. Case No.117 of 2021 pending in the court of learned Sessions Judge-cum-Special Judge, Boudh for commission of offence punishable under Sections 20(b)(ii)(C) of the N.D.P.S. Act.
5. The prosecution allegation, in nutshell, is that on 17.07.2021 at about 11.00 A.M., the informant got an reliable source of information that two persons were transporting ganja in a Indigo Car from Jadapala side towards Sahajapada. It is alleged that getting such information,

while the informant along with other staff went to the spot and detained the said car at Jadpal near Village-Mundipadar. It is alleged that the driver of the car disclose his name as Ajaya Kumar Sahu, i.e. the present petitioner and the occupant disclosed his name as Garia Majhi and during search the informant seized two numbers of big jari bags containing with all total 41 Kgs. 200 grams of ganja.

6. It is submitted by learned counsel for the Petitioner that the Petitioner is in custody since 17.07.2021 and investigation of the case has been completed and charge-sheet in the case has been submitted. He further submits that the petitioner is an innocent and a poor driver of the said vehicle and other occupants were also travelling with the said vehicle. Further he submits that the petitioner does not have any criminal antecedents of similar nature and that there is no scope for absconding or fleeing from the hands of the justice and that the Petitioner is a local man.

7. Leaned counsel for the State, on the other hand, opposes the prayer for bail of the Petitioner and submits that illegal trafficking of contraband articles is rising day-by day and no leniency should be shown to the Petitioner or similarly situated persons.

8. Considering submissions made by the parties and the period of custodial detention of the Petitioner and the fact that the petitioner is a driver of the vehicle and he has no criminal antecedents, it is directed that let the Petitioner be released on bail on furnishing a bail bond of Rs.50,000/- (rupees fifty thousand) with two local solvent sureties for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following conditions:-

- I. The Petitioner shall not be involved in any offence of similar nature;

- II. he shall not tamper with the prosecution evidence or try to threaten or influence the witnesses in any manner whatsoever;
- III. he shall not make any default in attending the court during trial on each date without fail;
- IV. he 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; and
- V. he shall not leave the jurisdiction of the Court in seisin over the matter and shall furnish his address and mobile number to the police from time to time.

Violation of any of the terms and conditions shall entail cancellation of bail.

9. It is open for the court in seisin over the matter to impose other conditions as may be deemed just and proper.

10. 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, this bail order shall automatically stand revoked.

11. The Bail Application is accordingly disposed of.

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

