

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL NO.7203 OF 2020

Sumit @ Atul

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

-versus-

State of Odisha

.... ***Opposite Party***
Mr. G.N. Rout, ASC.

CORAM:
MR. JUSTICE D.DASH

ORDER
29.04.2022

Order No.

05.

1. This matter is taken up through hybrids arrangement (virtual/ physical) mode.
2. This is the second journey of the Petitioner, who is in custody in connection with Sunabeda P.S. Case No.159 of 2019 corresponding to T.R. Case No.28 of 2019 pending on the file of learned Additional Sessions Judge-cum-Special Judge, Koraput, running for the alleged commission of offence under section 20(b)(ii)(C) of the NDPS Act, in filing this application under section 439, Cr.P.C., for his release on bail.
3. Learned counsel for the Petitioner submits that on the allegation that the Petitioner was the driver of the vehicle in question from the dickey of which the bag containing 30 Kgs. 300 grams of ganja has been recovered; the Petitioner has been in custody since 08.10.2019 and the trial has not made any substantial progress. He further submits that this Petitioner being the employee under the owner of the vehicle was simply

carrying out his directions in driving the vehicle and he had no knowledge about the keeping of ganja in the bag of the dickey of the vehicle. In view of all these above, according to him the bar contained under section-37 of the NDPS Act at this stage does not stand on the way of grant of bail to the Petitioner. He therefore, urges for reconsideration of the prayer for grant of bail to the Petitioner.

4. Learned counsel for the State opposes the move as the quantity of contraband ganja of 30 Kgs. 300 grams falls as commercial quantity. He also expresses the apprehension that the Petitioner being an outsider; there remains all the possibilities on his part to flee from justice.

5. Taking into account the submissions made; further keeping in view the surrounding circumstances especially, the period of detention of the Petitioner in custody; while being inclined to reconsider the prayer for grant bail to the Petitioner in the aforesaid case, it is directed that the Petitioner be released on bail on such terms and conditions as deemed just and proper by the Court in seisin of the case with further conditions that:-

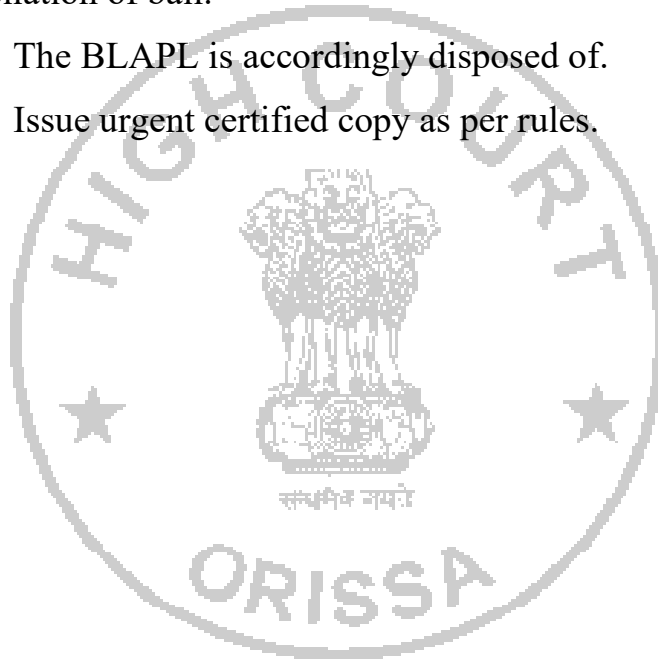
1. he shall furnish his address along with the contact mobile number by way of affidavit and in case of any change, shall intimate the same in that way;
2. shall appear in person before the Court in seisin of the case on each and every date of posting of the case till conclusion of the trial except under

some exceptional circumstance to the satisfaction of the Court; and

3. shall appear before the Inspector-in-Charge of Malijagra Police Station in the District of Chandigarh (Union Territory) Chandigarh every Monday in between 10 am to 2 pm for a period of next one year.

Violation of any of the condition(s) shall entail cancellation of bail.

6. The BLAPL is accordingly disposed of.
Issue urgent certified copy as per rules.



**(D. Dash),
Judge.**

Narayan