

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7537 of 2021

Bipul Dey

....

Petitioner

Mr. R.L. Pattnaik, Advocate

-versus-

State of Odisha

....

Opposite Party

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

21.02.2022

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 T.R. Case No.85 of 2020 arising out of Motu P.S. Case No.57 of 2020 pending in the court of learned Sessions Judge-cum-Special Judge, Malkangiri for commission of offence punishable under Section 20(b)(ii)(C)27-A of the N.D.P.S. Act.
5. It is submitted by learned counsel for the Petitioner that the present Petitioner was not caught at the spot, whereas, two other accused persons, namely, Aditya Madhi, Prasanjit Samadar and Shyamal Dey, who were nabbed by the police on interception have been granted bail in BLAPL Nos.6368 of 2020, 838 of 2021 and

7506 of 2021. It is further submitted that the Petitioner is on similar footing. Further with regard to ownership of the vehicle seized by police, as is revealed from the charge-sheet, no record was found with the RTO to whom a requisition had been sent by the I.O. and considering the same and the fact of release of other three accused persons, the Petitioner should be enlarged on bail. He further submits that the Petitioner is in custody since 28.08.2020 and that the Petitioner does not have any criminal antecedents of similar nature.

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 and the co-accused persons have already been released on bail, 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.

Jagabandhu

(*A.K. Mohapatra*)
Judge

