

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL 7567 of 2021

Biswajit Tarafdar

....

Petitioner

Mr. P.K.Nanda, *Advocate.*

-versus-

State of Odisha

....

Opp. Party

Mr. T.K.Praharaj, *A.S.C.*

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

03.01.2022

Order No.

02.

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 Motu P.S.Case No.73 of 2020 corresponding to T.R.Case No.137 of 2020 pending in the Court of the learned sessions Judge-cum-Special Judge, Malkangiri.

3. Learned counsel for the Petitioner submits that the Petitioner is an innocent person having no nexus with the alleged crime. On the basis of the confessional statement of co-accused, the petitioner has been arrested as he was financing for supply of ganja. From the materials collected by the prosecution, the prosecution has failed to prove that the petitioner was in exclusive and conscious possession of ganja.

4. Having regard to the above facts, submissions made and the fact that the contraband article was not recovered from the Petitioner, who is in custody since long, the Court is of the considered view that

the petitioner should be enlarged on bail with condition.

5. Accordingly, it is directed that the Petitioner be released on bail on furnishing a bail bond of Rs.50,000/- (rupees fifty thousand) with one solvent surety for the like amount to the satisfaction of the learned court below with condition that he shall not be involved in any such criminal activities while on bail and shall report to the I.O. for the purpose of investigation once in a week.
6. The BLAPL is accordingly disposed of.
7. Issue urgent certified copy as per Rules.

RKS

