

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7607 of 2021

Jayaram Ada @ Biki

.... ***Petitioner***
Mr.R.N.Biswal, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. M.R.Mishra, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

22.06.2022

Order No.

04

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned Additional Standing Counsel for the State.
3. This is an application under Section 439 of the Code of Criminal Procedure filed by the Petitioner for bail in connection with Kesinga P.S.CaseNo.236 of 2021 corresponding to C.T.Case No.32 of 2021 pending in the Court of the learned District & Sessions Judge-cum-Special Judge, Kalahandi, Bhawanipatna for alleged commission of offence under Sections 20(b)(ii) (c) & 29 of N.D.P.S.Act.
4. It is submitted by the learned counsel for the Petitioner that the Petitioner is languishing in custody since 27.06.2021 and the investigation of the case has been concluded and charge sheet has been filed. He further submits that the Petitioner is the driver of the vehicle and on instruction of the owner of the vehicle he was driving

the vehicle. He was not aware of the goods kept in the vehicle and the owner who was escorting the vehicle escaped from the spot and he did not escape. Learned counsel for the Petitioner submits that the Petitioner is a driver by profession and is a poor man and he is in custody for almost one year and in his absence his family is in starvation. It is further submitted that the Petitioner has no similar antecedents and further submits that in the event the Petitioner is released he will abide by the terms and conditions and shall appear on each and every date.

6. Learned Additional Standing Counsel vehemently 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.

7. Having heard learned counsel for the parties, considering the surrounding circumstances of the case and the period of custodial detention of the Petitioner and the fact that the Petitioner is the poor driver and he is to look after his family, this Court is inclined to grant bail to the Petitioner and it is directed that let the Petitioner be released on bail in the aforesaid case on furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand) with one local solvent surety for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following terms and conditions:

- i) he shall not indulge himself in any similar nature of offence.
- ii) shall appear before the trial court on each and every date fixed by the trial court till conclusion of trial.
- iii) shall not tamper with the prosecution evidence.
- iv) shall not influence or threaten any prosecution witnesses while on bail.

- v) he shall appear before the concerned Police Station once in a fortnight preferably on Sunday in between 10 A.M. to 1 P.M. till conclusion of trial.
- vi) Violation of any of the terms and conditions shall entail cancellation of bail.

8. The trial court may impose any other condition(s) as deem fit 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 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.

10. BLAPL is accordingly disposed of.

11. Issue urgent certified copy as per Rules.

RKS

