

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7629 of 2021

Tarani Pradhan and another

.... Petitioners
Mr.U.C.Jena, 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.

03.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as the learned Additional Standing Counsel for the State.
3. This is an application under Section 439 of the Criminal Procedure Code filed by the Petitioners to release them on regular bail in connection with Special G.R.Case No.19 of 2021 pending in the Court of the learned Sessions Judge-cum-Special Judge, Deogarh, which arises out of Kundheigola P.S.Case No.131 of 2021 for commission of an alleged offence under Section 21(b)(ii)(c) and 29 of N.D.P.S.Act..
4. Learned counsel for the Petitioners submits that the Petitioners are an innocent persons and have been falsely implicated in this case. The Petitioners are in custody since 21.07.2021. It is further submitted by the learned counsel for the Petitioners that nothing has been seized from the exclusive and conscious possession of the Petitioners. While they were going by a bike, they were detained and apprehended by the

Police and have been booked in this case. He further submits that the investigation of the case is over and the Police has submitted charge sheet on 15.01.2022. The Petitioners are persons belong to the locality. Therefore, there is no scope for absconding or fleeing away from the justice and there exists no criminal antecedents of similar nature against the Petitioners.

5. Learned counsel for the State on the other hand submits that the Petitioners were apprehended along with another person while they were both going in a bike by the Police patrolling party. It is further submitted that the contraband ganja weighing more than commercial quantity was seized from the bike.

6. Having heard learned counsel for the parties and considering the nature and gravity of the allegation as well as the role played by the Petitioners and the custodial detention of the Petitioners and further upon consideration of the fact that there is no criminal antecedents of similar nature against the petitioners, this court is inclined to grant bail to the Petitioners and it is directed that let the Petitioners be released on bail in the aforesaid case 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 the following terms and conditions

- i) they shall appear before the concerned Police Station once in a week preferably on Sunday between 10 A.M. to 1 P.M. till conclusion of trial.
- ii) shall cooperate with the trial of the case and shall appear in court on each and every date to which the case is posted.
- iii) shall not indulge in any offence of similar nature
- iv) shall not leave the jurisdiction of the trial court with specific permission of the trial court till conclusion of the

trial.

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

8. It is further directed that the bail granted to the Petitioners is subject to the condition that learned court below shall verify whether the Petitioners have any criminal antecedents. In the event it is found that the Petitioners have any such criminal antecedents, this bail order shall automatically stands revoked.

10. The Bail Application is accordingly disposed of.

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

RKS

