

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7634 of 2021

Jibita Gamango

..... Petitioner
Mr.B.R.Tripathy, 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 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 Petitioner to release him on regular bail in connection with G.R.Case No.43 of 2021 pending in the Court of the learned Special Judge, Gajapati, at Parlakhemundi, which arises out of Adava P.S.Case No.32 of 2021 for commission of an alleged offence under Sections 21(b)(ii)(c) and 25/29 of N.D.P.S.Act..
4. Learned counsel for the Petitioner submits that three persons were travelling in a car and contraband articles were seized from the dicky of the said car. He has no knowledge about transportation of contraband ganja in the car. He further submits that the Petitioner is in custody since 09.02.2021.
5. Learned counsel for the State on the other hand vehemently opposes for grant of bail to the Petitioner on bail as the nature of allegations are serious particularly in view of the fact that such type of cases are rising every day.

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 Petitioner and the custodial detention of the Petitioner and further upon consideration of the fact that there is no criminal antecedents of similar nature against the petitioner, 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.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) he shall appear before the concerned Police Station once in a fortnight 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 influence or threaten the witnesses and shall not tamper with the evidence of the Prosecution.
- v) Violation of any of the terms and conditions shall entail cancellation of bail.

7. 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 such criminal antecedents of similar nature, this bail order shall automatically stands revoked.

8. The Bail Application is accordingly disposed of.

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

