

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7745 of 2021

Pabana Pradhan

....

Petitioner

Mr. T.K. Mishra, Advocate

-versus-

State of Odisha

....

Opposite Party

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

22.02.2022

Order No.

02.

1. 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 Baunsuni P.S. Case No.107 of 2021, corresponding to Special Case No.27 of 2021(NDPS Act), pending in the file of learned District and Sessions Judge-cum-Special Judge, Boudh, for commission of alleged offences under Sections 20(b)(ii)(c) of N.D.P.S. Act.
3. Heard learned counsel for both the parties. Perused the records.
4. Learned counsel for the Petitioner submits the alleged contraband articles although were seized from the vehicle of which the Petitioner was a gratuitous passenger. It was further submitted that the contraband articles were not seized from the conscious possession of the Petitioner, as the same belonged to another occupant, namely, Pawan Pradhan. Therefore, learned counsel for the Petitioner submits that Section 37 of the NDPS is not attracted to the facts of the present case as the fact of contraband articles being kept in the vehicle was not within his knowledge. He further submits that

Petitioner is in jail custody since 30.06.2021 and the co-accused has already been released on bail by this Court by order dated 08.02.2022 passed in BLAPL No.6517 of 2021.

5. Learned counsel for the State vehemently objects the prayer for bail of the Petitioner on the main ground that the crime involved in the case adversely affecting the society as a whole. However, he submits if the Petitioner is released on bail, stringent conditions may be imposed on the accused Petitioner.

6. Having heard learned counsel for the parties and considering the period of detention of the Petitioner, 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 in seisin of the matter subject to conditions that the Petitioner shall not involve himself in any similar nature of offence particularly involving the offence under the NDPS Act.

7. Petitioner is also directed to appear before the local police station at an interval of every fifteen days between 11.00 A.M. to 1.00 P.M. on a working day once he comes out of the jail custody. It is further directed that the court in seisin of the matter to verify the criminal antecedents of the Petitioner and impose any additional condition(s), if situation so warrants. This order shall remain valid in the event the court in seisin of the matter is satisfied that Petitioner has no criminal antecedents.

8. With the above direction, the BLAPL is accordingly allowed.

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

