

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7753 of 2021

Ranjit Kumar Gouda and another ***Petitioners***
Mr. J. Sahoo, 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.

- 03.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the Petitioners and learned counsel for the State. Perused the F.I.R., case diary and other relevant documents.
 3. This is an application under Section 439 of the Criminal Procedure Code.
 4. The Petitioners are accused in G.R. Case No.17 of 2021(N) arising out of Digapahandi P.S. Case No.82 of 2021 pending in the court of learned Sessions Judge-cum-Special Judge, Berhampur for commission of offence punishable under Sections 20(b)(ii)(C)/25 of the N.D.P.S. Act.
 5. On the basis of F.I.R. lodged by one Madhab Chandra Takri before the I.I.C. of Digapahandi P.S. alleging therein that while the informant along with his staff were performing patrolling duties, on getting reliable information from the source, proceeded to the spot and found total 116.270 Kgs. of contraband ganja from the possession of the Petitioners.
 6. It is submitted by learned counsel for the Petitioners that the vehicle in which the contraband articles was seized belongs to

Petitioner No.1-Ranjit Kumar Gouda, who is the owner and driver of the said vehicle. So far as Petitioner No.2-Surendra Dora is concerned, who was a gratuitous passenger and he had no knowledge about the contraband articles carried in the said vehicle. He further submits that the Petitioners are in custody since 06.04.2021 and in the meantime, charge-sheet has been submitted in the case. Further, he submits that there is no criminal antecedent against the Petitioners of similar nature and since the Petitioners belong to local persons, there is no scope for absconding or fleeing from the hands of the justice.

7. Learned counsel for the State vehemently opposes the prayer for bail of the Petitioners on the ground that they are apprehended red handed with the contraband articles. He further submits that the Petitioner No.1-Ranjit Kumar Gouda is the owner-cum-driver of the vehicle in which the contraband articles were found. Therefore, it cannot be said that the contraband articles was not seized from the exclusive possession of the Petitioner No.1-Ranjit Kumar Gouda. So far as Petitioner No.2-Surendra Dora was traveling with the Petitioner No.1. It is presumed that the Petitioner No.2 had no knowledge about the contraband articles which were kept in the vehicle and number of such cases are increasing day-by-day and no leniency should be shown to the Petitioner or similarly situated persons.

8. Considering the submissions made by the learned counsel for the State, it appears that the Petitioner No.1-Ranjit Kumar Gouda, who was the driver-cum-owner of the vehicle, cannot be said that he has no knowledge about the contraband articles, which was carried in the said vehicle. Therefore, the materials available against the Petitioner No.1-Ranjit Kumar Gouda.

9. Learned counsel for the Petitioners submits that he does not want to press the bail application of the Petitioner No.1-Ranjit Kumar Gouda. Accordingly, the bail application of the Petitioner No.1-Ranjit Kumar

Gouda stands disposed of as not pressed.

10. Having heard learned counsels for the parties, considering the nature of allegation and the period of detention of the Petitioner No.2-Surendra Dora, it is directed that let the Petitioner No.2-Surendra Dora be released on bail by 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 conditions that the Petitioner No.2-Surendra Dora shall not be involved in any offence of similar nature, he shall not tamper with the prosecution evidence or try to threaten or influence the witnesses in any manner whatsoever, shall not make any default in attending the court during trial on each date of posting and shall appear before the concerned Police Station once in a week preferably on 'Sunday' in between 10.00 A.M. to 1.00 P.M. till conclusion of trial. Violation of any of the terms and conditions shall entail cancellation of bail.

11. It is open for the court in seisin over the matter to impose other conditions may deem just and proper.

12. 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. In the event it is found that the Petitioner has any criminal antecedents, this bail order shall automatically stand revoked.

13. The BLAPL is allowed in part accordingly

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