

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No.7769 of 2021**

***Sanjaya Digal***

.... ***Petitioner***  
*Mr. S. Dwibedi, 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.**

- 04.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
  2. Heard learned counsel for the Petitioner and learned counsel for the State. Perused the F.I.R., case diary and other relevant documents on record.
  3. This is an application under Section 439 of the Criminal Procedure Code.
  4. The Petitioner is an accused in C.T. Case No.35 of 2021 arising out of Balliguda P.S. Case No.108 of 2021 pending in the court of learned Special Judge-cum-Additional Sessions Judge, Balliguda for commission of offence punishable under Section 20(b)(ii)(C) of the N.D.P.S. Act.
  5. The prosecution case, in short, is that one Swaraj Debata, the I/c of I.I.C of Balliguda P.S. on 08.07.2021 lodged a Plain Paper F.I.R. to the effect that on the same day at about 6.10 P.M. while he along with other staff were performing patrolling duty near Dapakia Chhak, they found a car bearing registration No.OR-02-AH-5567

was coming from Dapakia side. All on sudden seeing them they tried to fee away from the spot, however, the informant and other staffs could able to restrain the car. The four occupants of the vehicle tried to escape from the spot. But the informant could able to apprehend two persons including the Petitioner. On search of the dickey of the car 29 Kgs. 900 grams of Ganja was seized.

6. It is submitted by learned counsel for the Petitioner that the Petitioner is in custody since 08.07.2021 and investigation of the case has been completed and final charge-sheet in the case has been submitted. He further submits that there is no scope for absconding or fleeing from the hands of the justice and that the Petitioner is a local man. He also submits that the Petitioner does not have any criminal antecedents of similar nature.

7. Mr. Mohanty, leaned Additional Standing Counsel for the State vehemently opposes the prayer for bail of the Petitioner and submits that number of such cases are increasing day-by-day and no leniency should be shown to the Petitioner or similarly situated persons.

8. Having heard learned counsel for the parties and considering the period of detention of the Petitioner, it is directed that let the Petitioner be released on bail 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 conditions that the Petitioner 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 without fail 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.

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

10. 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.

11. The Bail Application is accordingly disposed of.

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

Jagabandhu

