

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7796 of 2021

Alio @ Mithuna Digal

.... ***Petitioner***
Mr. A.R.Panda, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. K.K.Nayak, 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 Case Diary and the statements of the witnesses recorded by the Police.
3. This is an application under Section 439 of the Criminal Procedure Code.
4. The Petitioner is an accused in T.R. Case No.115 of 2021 arising out of Khurda Model P.S. Case No.264 of 2021 pending in the court of learned 1st Additional Sessions Judge-cum-Special Judge (NDPS Act), Khurda for commission of offence punishable under Sections 20(b)(ii)(C)/29 of the N.D.P.S. Act.
5. Learned counsel for the Petitioner submits that the Petitioner was the occupant of the vehicle contraband articles had been transported

without his knowledge. Learned counsel for the Petitioner further submits that the contraband articles were not seized from the conscious and exclusive possession of the Petitioner. The Petitioner is in custody since 09.07.2021 and charge sheet has been filed in the meantime. He also submits that the Petitioner has got no criminal antecedents to his credit.

6. Learned counsel for the State vehemently opposes the prayer for bail of the Petitioner on the ground that number of such cases are increasing day-by-day and no leniency should be shown to the Petitioner or similarly situated persons.

7. Having heard learned counsel for the parties and considering the allegations made against the Petitioner and keeping in view the period of custodial 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 two local solvent sureties each 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 appear before the concerned Police Station in a fortnight preferably on Sunday between 10 A.M. to 1 P.M. and shall appear before the court during trial on each date. Violation of any of the terms and conditions shall entail cancellation of bail.

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

9. 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.

10. The Bail Application is accordingly disposed of.

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

RKS

(A.K. Mohapatra)
Judge

