

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7875 of 2021

Sanjaya Jena

....

Petitioner

Mr.Jagannath Kamila, Advocate

-versus-

State of Odisha

....

Opposite Party

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

23.02.2022

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 Special G.R.Case No.29 of 2021 pending in the Court of the learned Additional Sessions Judge-cum-Special Judge, Bhanjanagar, which arises out of Soroda P.S.Case No.242 of 2021 for commission of an alleged offence under Section 21(b)(ii)(C) N.D.P.S.Act..
4. Learned counsel for the Petitioner submits that the Petitioner is the driver of the vehicle and he has no knowledge regarding the container containing ganja kept in the dickey of the vehicle. He also submits that the investigation of the case is complete and charge sheet has been submitted. The Petitioner is in custody since 25.07.2021.
5. Learned counsel for the State on the other hand opposes the prayer for bail of the petitioner on the ground that such type of illegal

transportation of ganja is rising day by day.

6. Having heard learned counsel for the parties and considering the nature and gravity of the allegation as well as the custodial detention of the Petitioner and keeping in view the fact that charge sheet has been submitted in this case, 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) 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.

