

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7934 of 2021

Rabi Harijan

....

Petitioner

Mr. S. Mohanty-1, Advocate

-versus-

State of Odisha

....

Opposite Party

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

20.04.2022

Order No.

- 03.
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 as well as statement of the witnesses.
 3. This is an application under Section 439 of the Criminal Procedure Code.
 4. The Petitioner is an accused in T.R. Case No.36 of 2021 arising out of Jaypore Sadar P.S. Case No.97 of 2021 pending in the court of learned Sessions Judge-cum-Special Judge Court, Koraput, Jeypore for commission of offence punishable under Section 20(b)(ii)(C) of the N.D.P.S. Act.
 5. The prosecution story, in nutshell, is that on 03.06.2021 at about 1.50 P.M., the informant-S.I. of Police of Jeypore Sadar Police Station being informed, had intercepted a Santro Car without number plate near Air Stript Chhak on NH-26 and found about 41 Kgs. of ganja from the car being kept in concealed manner. Further alleged that the driver of

the car, namely, Manoj Kumar was along inside the car and being asked, he had confessed that he had collected the ganja from the petitioner and another and going to his State i.e. Uttar Pradesh to sell it at higher price. Basing upon this, the case was registered and commenced its investigation. During course of investigation, police, arrested the petitioner and forwarded to the learned court below. Hence, this case.

6. It is submitted by learned counsel for the Petitioner that the Petitioner is in custody since 23.07.2021 and investigation of the case has been completed and charge-sheet has been submitted by the police. He further submits that despite several years have been passed in the time, trial has not yet been concluded and some witnesses have been examined in this case. He further submits that the petitioner does not have any criminal antecedent of similar nature. He also submits that there is no scope for absconding or fleeing from the hands of the justice and that the Petitioner is a local man. Further he submits that another co-accused on similar footing with the present petitioner has already been released on bail by this Court by order dated 28.03.2022 in BLAPL No.1992 of 2022.

7. Mr. Mohanty, learned Additional Standing Counsel for the State vehemently opposes the prayer for bail of the Petitioner and submits that illegal trafficking of contraband articles is rising 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 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 one local solvent surety for the like amount to the satisfaction of the learned court in seisin over the matter subject to following conditions that :-

- I. The Petitioner shall not be involved in any offence of similar nature;
- II. he shall not tamper with the prosecution evidence or try to threaten or influence the witnesses in any manner whatsoever;
- III. he shall not make any default in attending the court during trial on each date without fail; and
- IV. he 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 as may be deemed 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 of similar nature. 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.

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

(A.K. Mohapatra)
Judge