

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9014 of 2022

Arun Kumar Jena

.... ***Petitioner***
Mr. U.C. Dora, Advocate

-versus-

State of Odisha

.... ***Opp. Party***
Mr. M. Mishra, ASC

CORAM:
JUSTICE G. SATAPATHY

ORDER
16.11.2022

Order No.

- 02.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. This is an application U/S. 439 of Cr.P.C. by the petitioner for grant of bail in connection with G.R. Case No.75 of 2021 arising out of Orkel P.S. Case No.144 of 2021 pending in the file of learned Sessions Judge-cum-Special Judge, Malkangiri for commission of offences punishable under Sections 20(b)(ii)(c) of N.D.P.S. Act, on the allegation of transportation of commercial quantity of contraband Ganja by a TATA Safari vehicle CG-17KF-4616.
 3. In the course of hearing of the bail application, Mr. U.C. Dora, learned counsel for the petitioner submits that the petitioner is the owner of the vehicle, but he has no knowledge about the commission of crime of transportation of contraband Ganja by use of his vehicle and the petitioner has been arrested after three months of the alleged seizure of the contraband Ganja. It is therefore clear that the petitioner is no way connected with the commission of crime. It is

further submitted by him that the petitioner is implicated in this case solely on the basis of confession of co-accused persons and, therefore, the petitioner may kindly be released on bail.

4. On contrary, learned counsel for the State, however, strongly opposes the bail application of the petitioner.

5. Considering the rival submissions made, nature and character of the accusation raised against the petitioner and his arrest after three months of the alleged seizure of the contraband Ganja and regard being had to the status of the petitioner as the owner of the vehicle and keeping in view the fact that contraband Ganja was not recovered from the person of the petitioner or from his house and taking into consideration the period of custody since 19.11.2021 and taking into account other circumstances, this Court admits the petitioner on bail.

6. Hence, the prayer for the bail of the petitioner stands allowed and the petitioner is allowed to go on bail on furnishing bail bonds of Rs.1,00,000/- with two solvent sureties each for the like amount to the satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper with further conditions that the petitioner shall not commit similar type of offence, while on bail and that the petitioner shall attend the trial Court on each date of posting without fail unless his attendance is dispensed with and that he shall not leave the jurisdiction of the trial Court without prior permission till disposal of the case and that the petitioner shall report attendance before the jurisdictional Police Station once in a fortnight preferably on second Saturday every month in between 10 A.M. to 12 Noon. The I.I.C. of jurisdictional Police Station shall not detain

the petitioner unnecessarily after recording his attendance beyond the time as stipulated.

It is clarified that the Court in seisin of the case will be at liberty to cancel the bail of the petitioner without further reference to this Court, if any of the above conditions are violated or a case for cancellation of bail is otherwise made out.

7. Accordingly, the BLAPL stands disposed of.
8. Issue urgent certified copy of the order as per Rules.

(G. Satapathy)
Judge

Subhasmita

