

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8015 of 2021

Bhagabana Patel and another ***Petitioners***
Mr. S.R. Mohapatra, Advocate
-versus-
State of Odisha ***Opposite Party***
Mr. S.S. Pradhan, AGA

CORAM: JUSTICE S.K. PANIGRAHI

ORDER
20.04.2022

Order No.

02. 1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioners and learned counsel for the State.
3. The petitioners being in custody in connection with Jharsuguda P.S. Case No.196 of 2021 corresponding to C.T. (Special) Case No.19 of 2021 pending in the court of learned Special Judge, Jharsuguda for the commission of offence under Section 20(b)(ii)(C) of the NDPS Act has filed this petition for bail.
4. It is alleged that on 10.04.2021, the informant received information that the contraband ganja was being transported from Kolabira to Jharsuguda by one Honda Active Motor Cycle. The informant along with others proceeded to Pahadi Mandir Chowk and found the said vehicle with a rider and a pillion rider having in possession of two jari sacks. They apprehended the accused persons and seized 11.550 kgs of ganja from one jerry sack and 13.120 kgs

of ganja from the other. The total amount of ganja recovered excluding the weight of the jerry sacks is 24.450 kgs.

5. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the alleged crime and nothing has been seized from the possession of the present petitioners. The petitioners have been in custody since 10.04.2021. The trial has not yet commenced. So, the petitioners may be enlarged on bail.

6. Learned counsel for the State opposes the bail prayer of the petitioners.

7. It is seen from the record that as far as the petitioner No.1-Bhagban Patel is concerned, there exists of few allegations against him. So, this Court is not inclined to grant him bail. Accordingly, his prayer for bail is rejected.

8. As far as the petitioner No.2-Santanu Patel is concerned, it is submitted that he is the son of petitioner No.1 and there is no male member left in their family to look after them.

9. Considering the aforesaid submissions, the nature of allegation against the petitioner No.2 and the period of his detention in custody without trial having commenced, this Court is inclined to release him on bail. Accordingly, his bail petition is allowed.

10. Let the petitioner No.2-Santanu Patel be released on bail in the aforesaid case on such terms and conditions as deemed just and proper by the court in seisin over the matter with further conditions that:-

i. he shall appear before the court on each date of posting of trial.

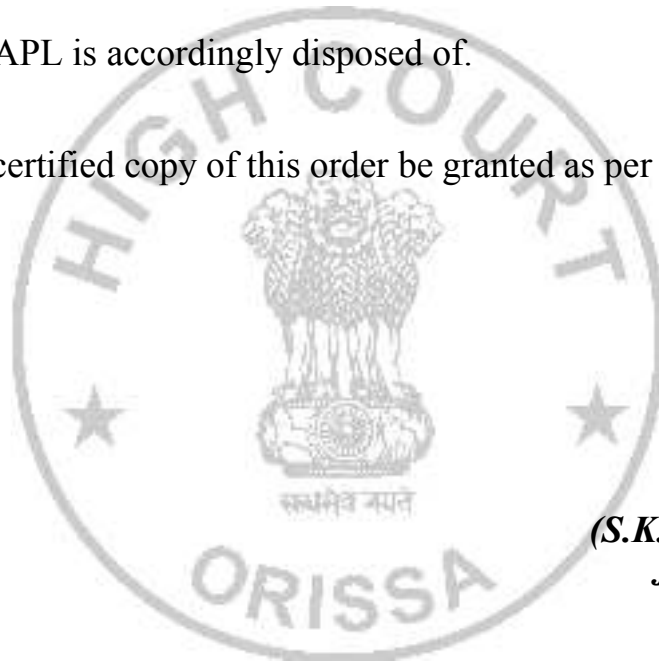
ii. he shall not tamper with the evidence of prosecution witnesses in any manner and shall not terrorize the prosecution witnesses.

iii. he shall appear before the local police station once, on every alternative week, on Sunday.

11. Violation of any of the conditions shall entail cancellation of bail.

12. The BLAPL is accordingly disposed of.

13. Urgent certified copy of this order be granted as per rules.



(S.K. Panigrahi)
Judge

pcd