

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8029 of 2021

Deepak Choudhury

.... ***Petitioner***
Mr.M.R.Patra, 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.

07.

I.A.NO.224 OF 2022 :

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Learned counsel for the Petitioner does not want to press this Interlocutory Application.
3. Accordingly, the I.A. is dismissed as not pressed.

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4. Heard learned counsel for the Petitioner as well as the learned Additional Standing Counsel for the State.
5. 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 T.R.Case No.86 of 2021 pending in the Court of the learned Additional Sessions Judge, Gunupur, which arises out of Padmapur P.S.Case No.73 of 2021 for commission of an alleged offence under Sections 20(b)(ii)(C) N.D.P.S.Act..
6. Learned counsel for the Petitioner submits that the Petitioner is a

passenger in the vehicle which was intercepted by the Police where three other persons were present and the Petitioner has no knowledge of the contraband articles in the vehicle. He also submits that the Petitioner is in custody since 29.08.2021.

7. Learned counsel for the State on the other hand opposes the prayer for bail and submits that the Petitioner was apprehended along with other persons in the vehicle where contraband articles were transported. He also submits that such type of cases are rising every day.

8. Having heard learned counsel for the parties and considering the nature and gravity of the allegation as well as the role played by the Petitioner and the custodial detention of the Petitioner, 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 two local solvent sureties each 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 week 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) shall not leave the jurisdiction of the trial court with specific permission of the trial court till conclusion of the trial.
- v) 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 fix any

other conditions which may be deemed fit and proper in the facts and circumstances of the present case.

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 such criminal antecedents of similar nature, this bail order shall automatically stands revoked.

11. The Bail Application is accordingly disposed of.

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

RKS

