

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9104 of 2022

Binod Kumar Barada

....

Petitioner

Mr.A.Tripathy,
Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. S.Jena, ASC

CORAM:

MR. JUSTICE D.DASH

ORDER

19.12.2022

Order No.

01. 1. This matter is taken up through hybrid arrangement (virtual/physical) mode.
2. This is the successive journey of this petitioner, who is in custody in connection with Padampur P.S. Case No.20 of 2021 corresponding to T.R. No.45 of 2021 pending in the Court of the learned Additional Sessions Judge-cum-Special Judge, Gunupur for offence punishable under section 20(b)(ii)(C)/27(A)/29 of N.D.P.S Act in filing this application under section 439, Cr.P.C. for his release on bail.
3. Learned counsel for the Petitioner submits that this Petitioner admittedly was not present at the spot when the vehicle was detained carrying huge quantity of Ganja. He further submits that simply because the Petitioner is the owner of the vehicle, he has been arraigned in the case when no such material is forthcoming to connect this Petitioner with the said transportation of the contraband Ganja in the Truck. He further submits that this Petitioner has remained in custody since 19.06.2021 and the conclusion of the trial is not expected to be so soon. In view of all these above, when the Petitioner is a permanent resident of district Khurda and has no criminal antecedent as also the question of tampering with the evidence does not arise, he urges for reconsideration of prayer for grant of bail to the Petitioner

as according to him the bar contained in Section 37 of the N.D.P.S. at this stage stand on the way.

4. Learned counsel for the State opposes the move in view of involvement of huge quantity of the Ganja. He, however, does not dispute the position that this Petitioner was not present at the spot at the relevant time and his name did not find mention in the relevant column of the F.I.R.

5. Considering the submissions made and on going through the materials on record, as placed; further taking into account the surrounding circumstances including the period of detention of the Petitioner in custody; while being inclined to reconsider the prayer for grant of bail to the Petitioner, it is directed that the Petitioner be released on bail by the Court in seisin of the case on such terms and conditions as deemed just and proper with further condition that the Petitioner will appear in person before the Court in seisin of the case on each date of posting of this case till conclusion of the trial; will report before the IIC, Bologarh P.S. on every Monday in between 10 a.m. to 2 p.m. and will not indulge in similar activity.

6. The BLAPL is accordingly disposed of.
Issue urgent certified copy of this on proper application.

(D. Dash)
Judge