

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8137 of 2021

Kali Charan Acharya @ Kalia ***Petitioner***
Mr. Bhabani Sankar Mishra, Advocate

-versus-

State of Orissa ***Opposite Party***
Mr. K.K. Nayak, ASC for State

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
28.02.2022

Order No.

02. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This is an application under Section 439 Cr.P.C. filed by the Petitioner for bail in connection with Deogarh P.S. Case No.254 of 2021, corresponding to Spl. G.R. Case No.22 of 2021, pending in the file of learned District Judge-cum-Judge Special Court, Deogarh, for commission of alleged offences under Sections 20(b)(ii)(c) of N.D.P.S. Act.
3. Heard learned counsel for both the parties. Perused the case records.
4. Learned counsel for the Petitioner submits Petitioner is languishing in jail custody since the date of his arrest, i.e. 15.08.2021. It is further submitted that Petitioner is no way connected in the case. As per his version, neither was he present on the date of occurrence nor any contraband articles were seized from his conscious possession.. As Petitioner is a law abiding citizen and

permanent resident of the locality, there is no chance of absconding or avoiding the process of law. The further submission is that Petitioner has no criminal antecedents of similar nature.

5. Learned counsel for the State vehemently objects the prayer for bail of the Petitioner. It is stated that a quantity of 20 Kgs. 653 grams of contraband Ganja were recovered from the present Petitioner. He further submits that no leniency should be shown in view of the fact that such type of offences are increasing day by day in the State. However, he submits in the event of release, stringent conditions may be imposed on the Petitioner.

6. Having heard learned counsel for the parties, considering the nature and gravity of offences alleged and the period of detention of the Petitioner, this Court is inclined to release the Petitioner on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty thousand) with one local surety for the like amount to the satisfaction of the learned court in seisin of the matter subject to the following conditions :

- (i) He shall not involve himself in any similar nature of offence particularly involving the offence under the NDPS Act.
- (ii) He shall appear before the trial court on each and every date as fixed by the court;
- (iii) He shall not tamper with the prosecution evidence;
- (iv) He shall not influence or threaten any prosecution evidence and cooperate in the investigation; and
- (v) Violation of any of the above conditions shall entail cancellation of the bail.

7. Petitioner is also directed to appear before the local police station at an interval of every fifteen days between 11.00 A.M. to 1.00 P.M. on a working day once he comes out of the jail custody. It is further directed that the court in seisin of the matter to verify the criminal antecedents of the Petitioner and impose any additional condition(s), if situation so warrants. This order shall remain valid in the event the court in seisin of the matter is satisfied that Petitioner has no criminal antecedents.

8. With the above direction, the BLAPL is accordingly allowed.

9. Issue urgent certified copy of this order on proper application.

(A.K. Mohapatra)
Judge

U.K.Sahoo

