

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8168 of 2021

Ashis @ Rudra Pratap Sahu *Petitioner*
Mr. Satyabrata Panda, Advocate
-versus-
State of Odisha *Opposite Party*
Mr. Manoj Kumar Mohanty, ASC for State

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
04.03.2022

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 Rengali P.S. Case No.47 of 2021, corresponding to T.R. Case No.09 of 2021, pending in the file of learned Special Judge-cum-Sessions Judge, Sambalpur, 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. 16.03.2021. It is submitted that Petitioner is the driver of the Car and contraband has been found inside the car. It is submitted that Petitioner has no knowledge about the

contraband Ganja inside the car. It is also stated that there is no embargo under Section 37 of the NDPS Act for release of the Petitioner on bail. Petitioner has no criminal antecedents of similar nature. Learned counsel for the Petitioner submits that one of the co-accused persons, namely, Kuna Sahu, has been released on bail by this Court in BLAPL No.3069 of 2021 on 10.08.2021. Accordingly a prayer has been made to release the Petitioner on bail, as similarly situated person named above has been released on bail by this Court.

5. Learned counsel for the State vehemently objects the prayer for bail of the Petitioner. It is stated that a quantity of 42 kgs. of contraband Ganja were recovered from the Car, wherein the present Petitioner was a driver. 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