

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8363 of 2021

Prasana Karado @ Prashna Karad ***Petitioner***
Mr. Srikanta Mahunta, Advocate
-versus-
State of Odisha ***Opposite Party***
Mr. K.K. Nayak, ASC for State

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
06.04.2022

Order No.

04. 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 Padampur P.S. Case No.76 of 2021, corresponding to T.R. Case No.93 of 2021, pending in the file of learned Addl. Sessions Judge-cum-Special Judge, Gunupur, 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 FIR, Case Diary and statement of witnesses.
4. Learned counsel for the Petitioner submits Petitioner is languishing in jail custody since the date of his arrest, i.e. 10.09.2021. Since the contraband articles were not recovered from the conscious possession of the Petitioner, Section 37 of the NDPS Act does not attract to the case of the Petitioner. It is

further submitted that the basic ingredients to constitute the alleged offences are squarely lacking and prima facie no case is made out against the Petitioner. It is also submitted that he is ready to abide by any terms and conditions as fixed by this Hon'ble Court in the event of bail,

5. Learned counsel for the State vehemently objects the prayer for bail of the Petitioner. It is submitted that now-a-days case of illegal trafficking of contraband articles are increasing day by day, therefore, no leniency should be shown to the present Petitioner, who involved in such crime. Accordingly, he prays for rejection of his bail application.

6. Having regard to the facts and circumstances of the case, 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 appear before the I.O. on every Sunday at 10 A.M. to 1.00 P.M. and report to the police;

(iv) He shall not tamper with the prosecution evidence;

(v) He shall not influence or threaten any prosecution witness and cooperate in the investigation;

(vi) He shall provide his present address and mobile number to the I.O. and if any changes therein shall also be intimated to the I.O.;

(vii) He shall not leave the jurisdiction of the court without special permission from the court; and

(viii) Violation of any of the above conditions shall entail cancellation of the bail.

7. 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