

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8422 of 2021

Sri Brahmananda Hota

..... Petitioner
Mr.P.K. Dhal, Advocate

-versus-

State of Odisha

..... Opposite Party
Mr. Manoj Kumar Mohanty, ASC for State

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

10.03.2022

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 Jenapur P.S. Case No.253 of 2021, corresponding to C.T. (NDPS) Case No.10 of 2021, pending in the file of learned District & Sessions Judge-cum-Special Judge, Jajpur, for commission of alleged offences under Sections 20(b)(ii)(C)/25 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. 13.08.2021. It is submitted that police after completion of investigation has filed Charge-Sheet. Further, Petitioner was a driver of the vehicle employed by the owner. It is alleged that

on the date of occurrence, five persons were present. The contraband articles were recovered from the vehicle and Petitioner has no knowledge about the same. It is also submitted that Petitioner has no criminal antecedents of similar nature. Since Petitioner is a permanent resident of the local area, there is no chance of absconding or avoiding the process of law.

5. Learned counsel for the State vehemently objects the prayer for bail of the Petitioner. It is stated that a quantity of 37 kgs. 200 grams of contraband Ganja were recovered from the vehicle. 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 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 evidence 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