

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No.8450 of 2021**

***Ashok Sahu***

....

***Petitioner***

*Mr. P.K. Panda, Advocate*

***-versus-***

***State of Odisha***

....

***Opposite Party***

*Mr. Manoj Kumar Mohanty, ASC for State*

**CORAM:**

**JUSTICE A.K.MOHAPATRA**

**ORDER**

**16.03.2022**

**Order No.**

05. 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 Baliguda P.S. Case No.128 of 2021, corresponding to C.T. Case No.44 of 2021, pending in the file of learned Special Judge-cum-Additional District & Sessions Judge, Baliguda, Kandhamal, for commission of alleged offences under Sections 20(b)(ii)(c)/29 of N.D.P.S. Act.
3. Heard learned counsel for both the parties. Perused the FIR, Case Diary and statement of witnesses.
4. The case of the prosecution, in a nutshell, is that after getting reliable information that a white colour Ford Fiesta Car bearing Regd. No.OR-23-F-0077 is being used for illegal transportation of contraband Ganja from Kutikia side to

Phulbani side. On the basis of such information, the Informant formed a raiding party consisting of police personnel and proceeded near Jhula Bridge, Padmapur. At about 12.30 P.M., the raiding party observed that the offending vehicle was coming from the side of Kutikia, they detained the vehicle. On verification, it was found that the dickey of the offending vehicle was filled with one large plastic jerry bag from which pungent smell was coming. On being asked, it was alleged that the present police and one Rabindra Reddy of village Digapahandi disclosed that they were transporting contraband Ganja, but they failed to produce any license or authority towards possession and transportation of such Ganja. After observing all formalities, all the accused persons were arrested. The contraband ganja i.e. fruiting and flowering tops of the cannabis plants in total weighted 50kg. 600 grams including the container jerry weighted 50kg. 600 grams including the container jerry bag which was of 100grms. of weight. The accused persons were then forwarded to the Court of learned Special Judge, Baliguda.

5. Learned counsel for the Petitioner submits Petitioner is languishing in jail custody since the date of his arrest, i.e. 07.08.2021. It is submitted that police after completion of investigation has filed charge-sheet. Learned counsel for the Petitioner submits that Petitioner is the driver of the vehicle from which the alleged contraband articles were seized. He further submits that he was obeying the direction of the owner

to drive the vehicle, he actually did not have any idea of contraband articles. He also admits that there are other occupants in the vehicle. Therefore, it cannot be construed that the same was seized under the conscious possession of the driver. Further Since Petitioner belongs to the locality, there is no chance of absconding the trial of the case. In the event Petitioner is released on bail, he shall cooperate in the trial of the case.

6. 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.

7. 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.

8. 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.

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

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

**(A.K. Mohapatra)**  
**Judge**