

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8451 of 2021

Rabindra Reddy

....

Petitioner

Mr. Prasanta Kumar Panda, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. M.K. Mohanty, ASC for State

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

04.05.2022

Order No.

06. 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-Addl. 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 brief facts of the case, in a nutshell, is that the Informant after getting reliable information that a white colour Ford Fiesta Car bearing Regd. No.OR-23F-0077 (“offending

vehicle” in short) is being used for illegal transportation of contraband ganja from Kutikia side to Phulbani side. On the basis of the information received, 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 Ashok Sahu 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. On the allegation that contraband ganja was found from the exclusive and conscious possession of the Petitioner and other accused person. After observing all the formalities the accused persons have been arrested and forwarded to the jail custody. The contraband ganja i.e. fruiting and flowering tops of the cannabis plants in total weighted 50kgs. 600 grams including the container jerry bag which was of 100 gms. of weight. On the allegation that there was transaction of ganja weighing 50 kgs. 600 grams by the present Petitioner and another accused for commercial purposes without any authority/ license/permit therefore making them liable u/s.20(b)(ii)(c)/29 of the NDPS Act.

5. Learned counsel for the Petitioner submits that Petitioner is languishing in jail custody since the date of his arrest, i.e. 07.08.2021 and that after completion of investigation, the police filed final charge-sheet in the matter. It is further submitted that Petitioner is no way connected in the alleged offence. It is further stated that even though the vehicle did not contain the contraband articles, the police forcefully entangled the offending vehicle as well as the present Petitioner. Moreover, the contraband articles were not seized from the conscious possession of the present Petitioner. Since Petitioner is a resident of the locality, there is no chance to abscond the trial of the case. 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. It is submitted that the co-accused person, namely, Ashok Sahu has been granted bail by this Hon'ble Court in BLAPL No.8450 of 2021 vide order dated 16.03.2022.

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 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. once in a week, i.e on every Sunday at 10 A.M. to 1.00 P.M. and report to the police for one month thereafter once in a month till end of trial;

(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

U.K.Sahoo

