

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8017 of 2020

Sangram Nayak

....

Petitioner

Mr.Amulya Ratna Panda, Advocate

-versus-

State of Odisha

....

Opposite Party

Ms.Karunakar Gaya, ASC

CORAM:

THE JUSTICE S. K. PANIGRAHI

Order No.

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ORDER

08.02.2022

1. This matter is taken up by video conferencing mode.
2. Heard, learned counsel for the petitioner and learned counsel for the State.
3. The petitioner being in custody in connection with Tamando P.S. Case No. 122 of 2020 corresponding to T.R Case No. 372 of 2020 pending before the court of the learned District and Sessions Judge-cum-Special Judge, Khurdha, Bhubaneshwar, registered for the alleged commission of offences under Sections-20(b)(ii)C of the NDPS Act, has filed this application under Section 439 of Cr.P.C for his release on bail.

4. The brief fact of the case is that on 21.09.2020 on getting an information regarding parking of three numbers of vehicles in front of Ramco Rice Mill of Tamando in suspicious manner, the informant along with his staff proceeded to the spot and searched the alleged vehicles. They recovered contraband 'ganja' weighing about 39 Kgs of 'ganja' from one Toyota car having Regd. No. OD-02R-1001 wherein the petitioner was the occupant. On being asked he could not produce the authenticated documents with respect to such transportation. Thereafter, observing all formalities, they seized the recovered article, arrested the petitioner and forwarded him to the court for the alleged offence.

5. Learned counsel for the petitioner submits that the prosecution allegations leveled against the present petitioner are false and baseless. The petitioner was travelling in the alleged vehicle to his destination place. He had no knowledge about the contraband 'Ganja' kept in the dickey of the said vehicle. One of the co-accused who is similarly situated with the petitioner, has already been released on bail in BLAPL No.8662 of 2021. The petitioner is in custody since 22nd September, 2020.

6. Learned counsel for the State vehemently opposed the bail application with the submission that the quantity of ganja is above the commercial quantity.

7. However, having heard learned counsel for the parties and taking into account the prolonged detention of the petitioner in custody for about more than one year and factum of release of co-accused on bail, it is directed that the petitioner be released on bail in the aforesaid case by the learned court in seisin over the matter with some stringent terms and conditions as deemed just and proper including the conditions that:-

- i. the petitioner shall appear before the court below on each date of posting of the case;
- ii. he shall not involve himself in any criminal offence while on bail; and
- iii. he shall not tamper with the prosecution evidence in any manner.

Violation of any of the conditions, shall entail cancellation of bail.

8. The BLAPL is, accordingly, disposed of.

9. Issue urgent certified copy as per Rules.

(S. K.Panigrahi)
Judge

