

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8600 of 2021

Jayab Raita

.... ***Petitioner***
Mr.S.K.Dash, *Advocate*

-versus-

State of Odisha

.... ***Opposite Party***
Mr.M.K.Mohanty, *A.S.C.*

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

30.03.2022

Order No.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned Additional Standing Counsel.
3. Perused the Case Diary, F.I.R. and the statements of the witnesses recorded under section 161 Cr.P.C.
4. This is an application under Section 439 of the Code of Criminal Procedure filed by the Petitioner for bail in connection with R.Udayagiri P.S.Case No.51 of 2020, corresponding to G.R. Case No.31 of 2020, pending in the Court of the learned Special Judge, Gajapati at Parlakhemundi for alleged commission of offence under Sections 20(b)(ii)(C)/25/29 of the N.D.P.S.Act
5. It is submitted by the learned counsel for the Petitioner that the Petitioner is in custody since 23.10.2020 and that the investigation has been completed and charge sheet has been submitted. It is

submitted by the learned counsel for the Petitioner that the Petitioner is the owner of the Auto. It is further submitted by the learned counsel for the Petitioner that one of the co-accused has been released on bail by this Court in BLAPL No.6478 of 2020. He also submits that Section 37 of the N.D.P.S.Act is not attracted to the facts of the present case. It is also submitted by the learned counsel for the Petitioner that since the petitioner belongs to the locality, therefore, there is no chance of his absconding or fleeing away from the hands of justice and in the event of his release on bail, he will appear before the trial court on each and every date.

6. Learned Additional Standing Counsel vehemently opposes the prayer for bail of the Petitioner and submits that illegal trafficking of contraband articles is rising day by day and no leniency should be shown to the Petitioner or similarly situated persons.

7. Having heard learned counsel for the parties, considering the custodial detention of the Petitioner and the fact that the Petitioner is the owner of the Auto and Section 37 of the N.D.P.S.Act is not attracted to the facts of the present case, I am inclined to release the Petitioner on bail and it is directed that let the Petitioner be released on bail in the aforesaid case on furnishing a bail bond of Rs.50,000/- (Rupees Thirty thousand) with one local solvent surety for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following terms and conditions

- i) he shall not involved himself in any similar nature of offence.
- ii) shall appear before the trial court on each and every date fixed by the trial court.
- iii) shall not tamper with the prosecution evidence.
- iv) shall not influence or threaten any prosecution witnesses
- v) Violation of any of the terms and conditions shall entail cancellation of bail.

8. The trial court may impose any other condition(s) as deem fit and proper.
9. The BLAPL is accordingly disposed of.
10. Issue urgent certified copy as per Rules.

RKS

(A.K. Mohapatra)
Judge

