

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8603 of 2021

Satyendra Rawat and another ***Petitioners***
Mr. Basudev Mishra, Advocate
-versus-

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
28.03.2022

Order No.

02.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners and learned counsel for the State. Perused the F.I.R., case diary and other relevant documents as well as statement of the witnesses.
3. This is an application under Section 439 of the Criminal Procedure Code.
4. The Petitioners are accused in T.R.No.11 of 2021 arising out of Kosagumuda P.S. Case No.29 of 2021 pending in the court of learned Sessions Judge-cum-Special Judge, Nabarangpur for commission of offence punishable under Section 20(b)(ii)(C)/29 of the N.D.P.S. Act.
5. The prosecution story as revealed from the F.I.R. is that on 11.02.2021 Police seized 78 kgs of ganja from the possession of the accused persons. It is further alleged that the accused persons were transporting the same by a car bearing Regd. No.DL 12 CN 6931. Thereafter the accused persons were forwarded to the court for

commission of the aforesaid offences.

6. Learned counsel for the Petitioner submits that the Petitioners are the occupants of the vehicle. They had no knowledge about the contraband articles loaded in the said vehicle. It is further submitted by the learned counsel for the Petitioners that co-accused has been released on bail. It is also submitted that the Petitioners are in custody since 11.02.2021 and further submits that the investigation of the case has been completed and charge sheet has been submitted in the case.

7. Leaned Additional Standing Counsel for the State vehemently opposes the prayer for bail of the Petitioners on the ground that the Petitioners are men of Uttar Pradesh and there is every chance of their absconding if they are released on bail. and submits that number of such cases are increasing day-by-day and no leniency should be shown to the Petitioners or similarly situated persons.

8. Having heard learned counsel for the parties, keeping in view that the petitioners were the occupants of the vehicle and the alleged contraband articles were not seized from the conscious and exclusive possession of the Petitioners and considering the period of custodial detention of the Petitioners, it is directed that let the Petitioners be released on bail on furnishing a bail bond of Rs.1.00,000/- (rupees one lakh) with two local solvent sureties each for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following conditions:-

- I. The Petitioners shall not be involved in any offence of similar nature;
- II. they shall not tamper with the prosecution evidence or try to threaten or influence the witnesses in any manner whatsoever;

- III. they shall not make any default in attending the court during trial on each date without fail;
- IV. they shall appear before the concerned Police Station once in a fortnight preferably on 'Sunday' in between 10.00 A.M. to 1.00 P.M. till conclusion of trial; and
- V. they shall not leave the jurisdiction of the Court in seisin over the matter and shall furnish his address and mobile number to the police from time to time.
- VI. they shall not leave the jurisdiction of the trial court without specific permission of the trial Court.

Violation of any of the terms and conditions shall entail cancellation of bail.

- 9. It is open for the court in seisin over the matter to impose other conditions as may be deemed just and proper.
- 10. The Bail Application is accordingly disposed of.
- 11. Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge