

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8628 of 2021

Khirod @ Jagabandhu Pradhan ***Petitioner***
Mr. A.K. Sahoo, 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 Petitioner 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 Petitioner is an accused in T.R. Case No.06 of 2014 arising out of Kundhegola P.S. Case No.15 of 2014 pending in the court of learned Additional Sessions Judge-cum-Special Judge Court, Deogarh for commission of offence punishable under Section 20(b)(ii)(C) of the N.D.P.S. Act.
5. The prosecution story, as narrated in the F.I.R., is that as per the direction of the concerned I.I.C. on 14.02.2014 at about 9.30 A.M., the informant along with other police personnel performing patrolling duty in the local area in the police jeep. It is also alleged that during the

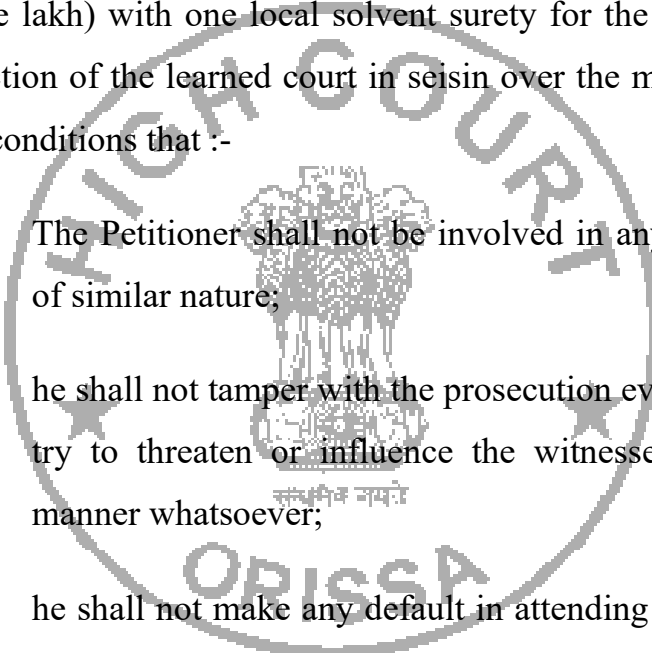
course of patrolling duty, they received reliable information with regard to kept of huge quantity “Ganja” by the present petitioner in his store room. It is further alleged that after getting the information the informant along with other police personnel reached at the spot to verify the information and also requested the I.I.C. to send the required equipments. It is further alleged that thereafter the informant given information to the superior officer and thereafter, the superior officer entered the said fact in the station diary and also send a copy to the higher authorities. It is also alleged that thereafter the informant along with others proceeded to the spot with two independent witnesses. It is further alleged that after reached at the destination, they surrounded the house and at the time of one person came out from the house, who disclosed his identity as the present petitioner. It is further alleged that on being asked to the present petitioner he was give his consent for each of his house. It is also aged that during the course of search the informant along with others, found that the present petitioner was in possession of 50 Kgs. of contraband articles in his house and on being further asked, he admitted his guilty and unable to produce any document with regard to possession of huge quantity of contraband article. It is also alleged after due formalities the informant seized 50 Kgs. from the present petitioner. Accordingly, the informant lodged the F.I.R. against the present petitioner and others.

6. It is submitted by learned counsel for the Petitioner that the Petitioner is in custody since 14.02.2019 and investigation of the case has been completed and charge-sheet has been submitted by the police. He further submits that despite several years have been passed in the time, trial has not yet been concluded and some witnesses have been examined in this case. He further submits that the petitioner does not have any criminal antecedent of similar nature. He also submits that

there is no scope for absconding or fleeing from the hands of the justice and that the Petitioner is a local man.

7. Mr. Mohanty, learned Additional Standing Counsel for the State 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.

8. Having heard learned counsel for the parties and considering the period of custodial detention of the Petitioner, it is directed that let the Petitioner be released on bail on furnishing a bail bond of Rs.1,00,000/- (rupees one lakh) with one local solvent surety for the like amount to the satisfaction of the learned court in seisin over the matter subject to following conditions that :-

- 
- I. The Petitioner shall not be involved in any offence of similar nature;
 - II. he shall not tamper with the prosecution evidence or try to threaten or influence the witnesses in any manner whatsoever;
 - III. he shall not make any default in attending the court during trial on each date without fail; and
 - IV. he shall appear before the concerned Police Station once in a week preferably on 'Sunday' in between 10.00 A.M. to 1.00 P.M. till conclusion of trial.

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. It is further directed that the bail granted to the Petitioner is subject to the condition that learned court below shall verify whether the Petitioner has any criminal antecedents of similar nature. In the event it is found that the Petitioner has any criminal antecedents, this bail order shall automatically stand revoked.

11. The Bail Application is accordingly disposed of.

Urgent certified copy of this order be granted on proper application.

Jagabandhu

