

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8663 of 2021

Niranjan Baral

....

Petitioner

Mr. Rajib Lochan Pattnaik, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Manoj Kumar Mohanty, ASC for State

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

30.03.2022

Order No.

04. 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 Motu P.S. Case No.25 of 2021, corresponding to Special G.R. Case No.41 of 2021, pending in the file of learned Sessions Judge-cum-Special Judge, Malkangiri, for commission of alleged offences under Sections 20(b)(ii)(C)/25-A 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 prosecution case, in a nutshell, is that on 17.03.2021, the informant-IIC, Motu P.S. while performing his patrolling duty, he detected one white colour Maruta Vitara Breeza car bearing Regd. No.AP39-CD-8716 reached at the check post and three persons were sitting in the said vehicle. On

search of the dickey of the car, contraband articles weighing 39 kg. 500 grams of ganja was recovered in two sacks. The accused persons did not disclose about such articles. Accordingly, the articles were seized and accused were sent to the judicial custody.

5. Learned counsel for the Petitioner submits that Petitioner is languishing in jail custody since the date of his arrest, i.e. 18.03.2021. The present Petitioner was the driver of the said vehicle. It is submitted that on the basis of the co-accused statement, he has been falsely implicated in the case. It is submitted that as no case has been made out against the Petitioner, he may be granted bail in the present case.

6. Learned counsel for the State vehemently objects the prayer for bail of the Petitioner. He further submits that in the event of release, stringent conditions may be imposed on the accused person.

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 local 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. on every fortnight of the month, preferably on Sunday at 10 A.M. to 1.00 P.M. and report to the police;

(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