

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8739 of 2021

Babul Kumar Das

....

Petitioner

Mr. Bijaya Kumar Ragada, Advocate

-versus-

State of Orissa

....

Opposite Party

Mr. M.K. Mohanty, A.S.C. for State

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

18.02.2022

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 Tamando P.S. Case No.133 of 2020, corresponding to T.R. No.403 of 2020, pending in the file of learned Sessions Judge, Khordha at Bhubaneswar, for commission of alleged offences under Sections 21(b)(ii)(c) of N.D.P.S. Act.

3. Heard learned counsel for both the parties. Perused the case records and the statement of witnesses.

4. Learned counsel for the Petitioner submits Petitioner is languishing in jail custody since the date of his arrest, i.e. 09.07.2021. It is further submitted that the contraband articles were not seized from the exclusive possession of the Petitioner. The further submission is that he was not named in the preliminary charge-sheet but while submitting the final-charge, his name has been included in the case. In such view of the matter, learned

counsel for the Petitioner submits that Section 37 of the N.D.P.S. Act is not attracted to the facts of the present case.

5. Learned counsel for the State vehemently objects the prayer for bail of the Petitioner stating that the vehicle is recorded in the name of the present Petitioner. Further submits that no leniency should be shown in view of the fact such type of offences are increasing day by day in the State.

6. Having heard learned counsel for the parties, 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 conditions that the Petitioner shall not involve himself in any similar nature of offence particularly involving the offence under the NDPS Act. He shall not tamper with the prosecution witnesses or show threat to the witnesses.

7. Petitioner is also directed to appear before the local police station at an interval of every fifteen days between 11.00 A.M. to 1.00 P.M. on a working day once he comes out of the jail custody. 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.

8. With the above direction, the BLAPL is accordingly allowed.

// 3 //

9. Issue urgent certified copy of this order on proper application.

(A.K. Mohapatra)
Judge

U.K.Sahoo

