

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8750 of 2021

Subhransu Pradhan

..... Petitioner
Mr.B.B. Mishra, Advocate

-versus-

State of Odisha

..... Opposite Party
Mr. Manoj Kumar Mohanty, ASC for State

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
13.04.2022

Order No.

03. 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 Manmunda P.S. Case No.45 of 2021, corresponding to Special Case (NDPS) No.21 of 2021, pending in the file of learned District Judge -cum-Special Judge, Boudh, for commission of alleged offences under Sections 20(b)(ii)(c) 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 brief, is that on 19.04.2021, the complainant, Susmita Magar, SI of Police, Manmunda Police Station along with her staff while performing patrolling duty

had received a reliable information regarding transportation of contraband Ganja. They went to spot and found two motor cycles bearing Regd. No.OD-12C-2699 and OD-27-A-8029 were coming from Kantamal side. Seeing the police personnel, riders of both the motorcycles left their vehicles along with loaded Ganja and fled away from the spot. The raiding team chased but unable to apprehend them. After observing all formalities of NDPS Act, they verified the said motor cycle and found 50 Kgs of contraband Ganja from two jerry bags. She seized contraband Ganja and motor cycles in presence of Executive Magistrate and other independent witness. They brought the seized articles and motor cycle to the police station.

5. Learned counsel for the Petitioner submits that Petitioner is languishing in jail custody since the date of his arrest, i.e. 22.08.2021. The police after completion of investigation submitted charge-sheet against the Petitioner. It is further submitted by learned counsel for the Petitioner that the allegation so far the present Petitioner is concerned that he was carrying a bag containing contraband ganja weighing 25 Kgs. along with another person, who was also carrying a bag containing 25 Kgs. of contraband Ganja. Both the accused persons fled away from the spot apprehending their arrest. The involvement of the present Petitioner can be ascertained at the time of trial. Accordingly, learned counsel for the Petitioner prays for release of the Petitioner on such terms and conditions as would be deem fit and proper by this Court.

6. Learned counsel for the State vehemently objects the prayer for bail of the Petitioner. He further submits that Petitioner has been arrested subsequently on the basis of the statement of the witness, therefore no leniency may be shown for grant of bail to the present Petitioner.

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