

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8780 of 2021

Salim

.... ***Petitioner***
Mr.B.R.Tripathy, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. K.K.Nayak, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

06.04.2022

Order No.

02

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned Additional Standing Counsel.
3. Perused the Case Diary, F.I.R. and the statements of the witnesses recorded under section 161 Cr.P.C.
4. This is an application under Section 439 of the Code of Criminal Procedure filed by the Petitioner for bail in connection with Boudh P.S.Case No. 209 of 2021 corresponding to Special Case (NDPS) No.47 of 2021, pending in the Court of the learned District Judge-cum-Special Judge, Boudh for alleged commission of offence under Sections 20(b)(ii)(C)/29 of the N.D.P.S.Act.
5. It is submitted by the learned counsel for the Petitioner that the Petitioner is languishing in jail custody since 30.08.2021 and after completion of investigation charge sheet has been filed. It is further submitted by the learned counsel for the Petitioner that no contraband articles have been seized from the exclusive and conscious possession of the Petitioner. It is also submitted by the learned

counsel for the Petitioner that since the petitioner has no criminal antecedents to his credit and is staying permanently under Birmaharajpur Police Station, there is no chance of his absconding or fleeing away from the hands of justice and in the event of his release on bail, he will appear before the trial court on each and every date of posting.

6. Learned Additional Standing Counsel 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. Moreover, the Petitioner is man of Uttar Pradesh.

7. Having heard learned counsel for the parties, considering the fact that no contraband articles has been seized from the conscious and exclusive possession of the Petitioner and the period of custodial detention of the Petitioner, I am inclined to grant bail to the Petitioner and it is directed that let the Petitioner be released on bail in the aforesaid case 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 the following terms and conditions:

- i) he shall not indulge himself in any similar nature of offence.
- ii) shall appear before the trial court on each and every date fixed by the trial court till conclusion of trial.
- iii) shall not tamper with the prosecution evidence.
- iv) shall not influence or threaten any prosecution witnesses while on bail.
- v) he shall appear before the concerned Police Station once in a week preferably on Sunday in between 10 A.M. to 1 P.M. till conclusion of trial.

- vi) he shall not leave the jurisdiction of the trial court without prior permission of the trial court.
- vii) he shall provide the present address and mobile number to the local police station, in the event of any change in the address or mobile number, the same shall also be intimated to the local police.
- vii) Violation of any of the terms and conditions shall entail cancellation of bail.

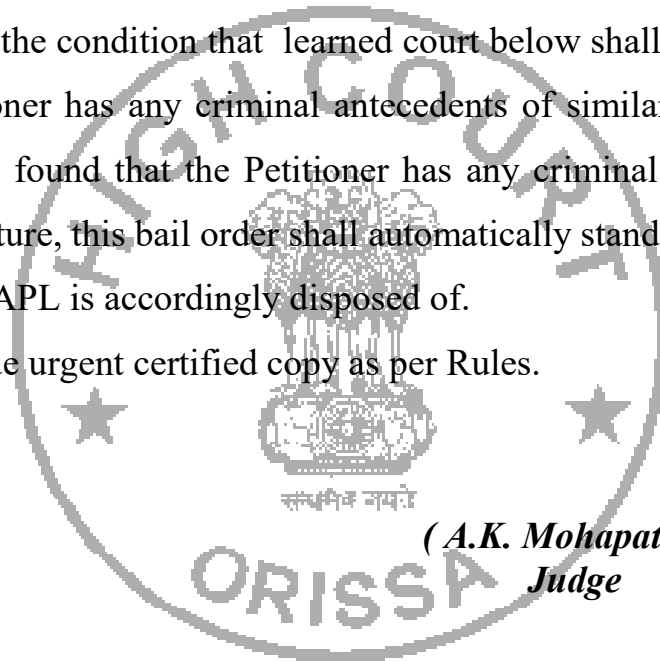
8. The trial court may impose any other condition(s) as deem fit and proper.

9. 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 of similar nature, this bail order shall automatically stand revoked.

10. BLAPL is accordingly disposed of.

11. Issue urgent certified copy as per Rules.

RKS



(*A.K. Mohapatra*)
Judge