

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8813 of 2021

Adam Digal

..... Petitioner
Mr.S.K.Bhanjdeo, Advocate

-versus-

State of Odisha

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
23.03.2022

Order No.

03.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as the learned Additional Standing Counsel for the State.
5. This is an application under Section 439 of the Criminal Procedure Code filed by the Petitioner to release him on regular bail in connection with Special Case (NDPS) No.48 of 2021 corresponding to C.T.Case No.407 of 2021 pending in the Court of the learned District Judge-cum-Special Judge, Boudh, which arises out of Puruna Katak P.S.Case No.101 of 2021 for commission of an alleged offence under Sections 20(b)(ii)(C) of N.D.P.S.Act.
6. Learned counsel for the Petitioner submits that the Petitioner is languishing in jail custody since 09.09.2021 and after completion of investigation charge sheet has been submitted in the case. It is further submitted by the learned counsel for the Petitioner that the Petitioner is an occupant of the vehicle and the driver of the vehicle fled away from the spot and the contraband ganja was recovered from the dickey of the vehicle. It is also submitted by the learned counsel for the Petitioner

that since the Petitioner is a permanent resident of Kandhamal district, there is no chance of his absconding or fleeing from the hands of justice.

7. Learned counsel for the State on the other hand opposes the prayer for bail of the petitioner on the ground that such type of illegal transportation of ganja is rising day by day.

8. Having heard learned counsel for the parties and considering the nature and gravity of the allegation as well as the custodial detention of the Petitioner and the fact that the Petitioner is an occupant of the vehicle and the contraband articles have been recovered from the dicky of the vehicle, this court is 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.50,000/- (Rupees Fifty thousand) 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 appear before the concerned Police Station once in a week preferably on Sunday between 10 A.M. to 1 P.M. till conclusion of trial.
- ii) shall cooperate with the trial of the case and shall appear in court on each and every date to which the case is posted.
- iii) shall not indulge in any offence of similar nature
- iv) shall not leave the jurisdiction of the trial court with specific permission of the trial court till conclusion of the trial.
- v) Violation of any of the terms and conditions shall entail cancellation of bail.

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 such criminal antecedents of similar nature, this bail order shall automatically stands revoked.

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

RKS

(A.K. Mohapatra)
Judge

