

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13189 of 2021

Snehasis Sanyal

.... ***Petitioner***
Mr. S.D. Das, Sr. Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. Samaresh Jena, ASC

**CORAM:
MR. JUSTICE D.DASH**

**ORDER
22.11.2022**

Order No.

07. 1. This matter is taken up through hybrid arrangement (virtual/physical mode).
2. Mr. S.D. Das, learned Senior Counsel for the Petitioner submits that this Petitioner has absolutely nothing to do with the commission of offence under section 20(b)(ii)(c) of the N.D.P.S. Act and basing upon the fact that on solitary occasion, i.e., on 10.06.2021 a sum of Rs.1,00,000/- had been transferred to the account of the principal accused, namely, Naresh Digal from the account of this Petitioner, he has been arraigned in the case with the aid of section 27-A/25 & 29 of the NDPS Act. He next submits that the Petitioner being so authorized used to manage and work at Customer Service Point (CSP) of the State Bank of India, Dumkal Branch near Azimganjgola GP in Murshidabad and he had been authorized for operating his outlet to provide uninterrupted services to the customers with difficulties as the said Branch was operational till 2 p.m. as per the Government Guidelines and this special authorization was for the outbreak of COVID-19 pandemic. He submits that for such prevalence of COVID-19, the CSP had been authorized to transfer up-to a sum of Rs.1,00,000/- to others

account in lieu of same amount of cash by the aforesaid account. It is stated that when on that day, one lady approached the Petitioner at the CSP Outlet; the Petitioner having kept the documents relating to the identity, i.e., the copy of the Aadhar Card transferred a sum of Rs.1,00,000/- to the account of said Naresh Digal. He, therefore, submits that from such solitary instance that to under the above circumstances, there cannot be any inference that the Petitioner had the involvement in the drug activity of that accused Naresh Digal, if any, in any manner. In support of the above submission, he has referred the letter dated 15.06.2021 given by the Branch Manager of State Bank of India, Dumkal Branch wherein the Petitioner has been certified to be the KIOSK Bank Operator with diligence and integrity since 2013. It is also stated that on the facts and circumstances as above, the Petitioner having been protected by this Court by order dated 06.11.2021 as directed had appeared at the concerned Police Station by abiding the condition and had also produced all the documents before the Investigating Officer, which, however, have not been accepted for the reason that the investigation of the case is complete. It is submitted that the Petitioner has no criminal antecedent and he being under interim protection has been abiding by the condition. He, therefore, submits that at this stage, likely arrest and detention of the Petitioner in custody would serve no useful purpose. He, therefore, urges for grant of anticipatory bail to the Petitioner.

3. Learned counsel for the State does not dispute the position that the material against the Petitioner is that from his account a sum of Rs.1,00,000/- has been transferred to the account of the accused Naresh Digal, who has the direct involvement in the case under NDPS Act. He submits that the Petitioner being a man of West Bengal when has transferred such a huge amount to the

account of accused Naresh Digal, the Investigating Agency has taken the view that he has the involvement in transportation of contraband ganja by procurement of the same with the help of that accused Naresh Digal. He, however, submits that report has been received from the concerned Superintendent of Police that the Petitioner has no involvement in any such criminal activity.

4. Considering the submissions and on going through the documents placed which are not disputed further taking into account the surrounding circumstances, it is directed that in the event the Petitioner surrenders before the Court in seisin of the case in connection with K. Nuagaon P.S. Case No.30 of 2020 corresponding to C.T. Case No.25 of 2020 pending on the file of learned Additional Sessions Judge, Balliguda within three weeks hence and moves for his release on bail, he shall be released on bail on such terms and conditions as would be deemed just and proper by the said court.

5. The ABLAPL is accordingly disposed of.

6. Issue urgent certified copy as per rules.

(D. Dash)
Judge