

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8834 of 2021

Brahmananda Sahoo

....

Petitioner

Mr.Sushanta Harichandan, 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.

04.

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.
3. 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 I.I.C. Mobile Unit-1, Cuttack P.R.No.51/2021-22 corresponding to 2(a) C.C.Case No.42 of 2021 pending in the Court of the learned Sessions Judge-cum-Special Judge, Cuttack for commission of an alleged offence under Section 20(b)(ii)(C) of N.D.P.S.Act..
4. It is submitted by the learned counsel for the Petitioner that the Petitioner, is in custody since 15.09.2021 and after completion of investigation submitted charge sheet in the case. It is also submitted by the learned counsel for the Petitioner that the contraband article has not been seized from the exclusive and conscious possession of the Petitioner and none of the mandatory provisions of the NDPS Act has

been complied with. It is further submitted by the learned counsel for the Petitioner that since the Petitioner is the permanent resident of his locality, there is no question of absconding or fleeing from the hands of justice and in the event of his release on bail he undertakes to appear before the trial court on each date of posting.

6. Learned counsel for the State on the other hand opposes the prayer for bail and submits that such type of cases are rising every day in the locality and no leniency should be shown to the Petitioner while considering the prayer for bail of the Petitioner. However he submits that in the event of his release, stringent conditions may be imposed on the Petitioner.

7. Having heard learned counsel for the parties and considering the nature and gravity of the allegation as well as no contraband article has been seized from his exclusive and conscious possession of the Petitioner and the present Petitioner is the permanent resident of his locality and the period of custodial detention of the Petitioner, 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 trial 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 tamper with the prosecution evidence while on bail.

- v) shall not influence or threaten any prosecution evidence while on bail.
 - vi) Violation of any of the terms and conditions shall entail cancellation of bail.
8. Issue urgent certified copy as per Rules.

RKS

(A.K. Mohapatra)
Judge

