

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6669 of 2021

Rupesh Kumar Yadav

.... ***Petitioner***
Mr.Srinibas Parija, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. M.K.Mohanty, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

04.05.2022

Order No.

05

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. This is an application under Section 439 of the Code of Criminal Procedure filed by the Petitioner for bail in connection with Jeypore Sadar P.S.Case No.23 of 2021 corresponding to T.R.Case No.12 of 2021 pending in the Court of the learned Sessions Judge-cum-Special Judge, at Jeypore for alleged commission of offence under Sections 20(b)(ii)(C) of the N.D.P.S.Act.
5. It is submitted by the learned counsel for the Petitioner that the Petitioner is languishing in custody since 21.02.2021 and in the meantime investigation has been completed and final charge sheet has been filed. It is further submitted by the learned counsel for the Petitioner that since the Petitioner is permanent inhabitant of the address mentioned in the cause title of the application which is under

the jurisdiction of Unhel Police Station of Ujjain district , there is no chance of absconding or fleeing from the hands of justice. He is ready and willing to abide by the terms and conditions as would be fixed by this Court.

7. 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, particularly when the Petitioner belongs to other State.

7. Having heard learned counsel for the parties, considering the fact and circumstances of the case 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.50,000/- (Rupees Fifty thousand) with two local solvent sureties each 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) shall not leave the jurisdiction of the trial court with specific permission of the trial court till conclusion of the trial.
- vii) he shall surrender the travel documents issued in his

name before the trial court.

- 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

