

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8910 of 2021

Prasanta Majhi

....

Petitioner

Mr. P.S. Das, 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.

02.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and learned counsel for the State. Perused the F.I.R., case diary and other relevant documents as well as statement of the witnesses.
3. This is an application under Section 439 of the Criminal Procedure Code.
4. The petitioner is an accused in T.R. Case No.291 of 2021 arising out of Khandagiri P.S. Case No.359 of 2021 pending in the court of learned District and Sessions Judge, Khordha at Bhubaneswar for commission of offence punishable under Sections 20(b)(ii)(C)/29 of the N.D.P.S. Act.
5. The prosecution case, in brief, is that on 08.07.2021 at about

11.00 P.M. Trupti Ranjan Das, S.I. of Polcie STF, CID CB, Bhubaneswar got information of transportation of ganja in a car being registration No.OD.05-K-0633 on N.H. 16 from Berhampur side towards Bhubaneswar. He intimated the same to SP, STF, who entered the fact in Station Diary and directed him to proceed to the spot. Jyotiranjana Das along with staff went to Khandagiri Chhak collecting two official witnesses. At about 4.10 A.M. they restrained the car being driven by accused Prasanta Kumar Gamango. The other two accused persons Prasanta Majhi and Sujaya Majhi were occupants of the vehicle. The personal search of the accused persons and search of the vehicle was taken after observing all formalities under Section 50 of the NDPS Act. On search of the vehicle five gunny bags containing ganja were found in the dicky of the car. Four gunny bags contained twenty five Kgs ganja each and one gunny bag contained 35 Kgs. ganja. The total ganja was 135 Kgs. the ganja was seized and sealed after observing all formalities. With these allegations on the written report of Trupti Ranjan Dash, Khandagiri P.S. Case No.359 dated 09.07.2021 under Section 20(b)(ii)(C)/29 of the NDPS Act was registered against the accused persons. Hence, this case.

6. It is submitted by learned counsel for the Petitioner that the Petitioner is in custody since 09.07.2021 and investigation of the case has been completed and charge-sheet in the case has been submitted. He further submits that the petitioner was a gratuitous passenger and he had no knowledge about the contraband articles carried in the said vehicle. He also submits that the petitioner does not have any criminal antecedents and further, he submits that there is no scope for absconding or fleeing from the hands of the justice

and that the Petitioner is a local man and that the bail application of the petitioner may be considered.

7. Mr. Mohanty, learned Additional Standing Counsel for the State vehemently opposes the prayer for bail of the Petitioner and submits that number of such cases are increasing day-by-day and no leniency should be shown to the Petitioner or similarly situated persons.

8. Having heard learned counsel for the parties and considering the period of custodial detention of the Petitioner, it is directed that let the Petitioner be released on bail 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 conditions that :-

- I. The Petitioner shall not be involved in any offence of similar nature;
- II. he shall not tamper with the prosecution evidence or try to threaten or influence the witnesses in any manner whatsoever;
- III. he shall not make any default in attending the court during trial on each date without fail;
- IV. he shall appear before the concerned Police Station once in a week preferably on 'Sunday' in between 10.00 A.M. to 1.00 P.M. till conclusion of trial; and

Violation of any of the terms and conditions shall entail

cancellation of bail.

9. It is open for the court in seisin over the matter to impose other conditions as may be deemed just and proper.

10. 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, this bail order shall automatically stand revoked.

11. The Bail Application is accordingly disposed of.

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

Jagabandhu

