

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8970 of 2021

Mahendra Prasad Keshri and ***Petitioners***
another

Mr. Arijeet Mishra, Advocate

-versus-

State of Odisha ***Opposite Party***
Mr. M.K. Mohanty, ASC for State

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
06.04.2022

Order No.

02. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This is an application under Section 439 Cr.P.C. filed by the Petitioner for bail in connection with Padampur P.S. Case No.58 of 2021, corresponding to T.R. Case No.83 of 2021, pending in the file of learned Addl. Sessions Judge-cum-Special Judge, Gunupur, Rayagada, for commission of alleged offence under Sections 2(b)(ii)/C of N.D.P.S. Act.
3. Heard learned counsel for both the parties. Perused the FIR, Case Diary and statement of witnesses.
4. Learned counsel for the Petitioner submits Petitioner is languishing in jail custody since the date of his arrest, i.e. 29.07.2021. It is submitted that Petitioner No.1 is a physically handicapped person having 55% disability and Petitioner No.2 is his son. Both are resident of the State of Jharkhan and came

to Orissa. On the way, police detained them and seized 71 Kgs. 232 gms. of ganja, which were kept inside the dickey of the vehicle. It is further submitted that both the Petitioners have no criminal antecedents.

5. Learned counsel for the State vehemently objects the prayer for bail of the Petitioners on the ground that they are transporting contraband articles and now-a-days case of illegal trafficking of contraband articles are increasing day by day, therefore, no leniency should be shown to the present Petitioners, who involved in such crime. Accordingly, he prays for rejection of their bail application.

6. Having regard to the facts and circumstances of the case, considering the nature and gravity of offences alleged and the period of detention of the Petitioners, this Court is inclined to release the Petitioners on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty thousand) each with local surety each for the like amount to the satisfaction of the learned court in seisin of the matter subject to the following conditions :

- i) They shall not involve himself in any similar nature of offence particularly involving the offence under the NDPS Act;
- (ii) They shall appear before the trial court on each and every date as fixed by the court;
- (iii) They shall appear before the I.O. on every Month on Sunday at 10 A.M. to 1.00 P.M. and report to the police;

(iv) They shall not tamper with the prosecution evidence;

(v) They shall not influence or threaten any prosecution witness and cooperate in the investigation;

(vi) They shall provide their present address and mobile number to the I.O. and if any changes therein shall also be intimated to the I.O.;

(vii) They shall not leave the jurisdiction of the court without special permission from the court, failing which, trial court shall issue NBW against the Petitioners ; and

(viii) Violation of any of the above conditions shall entail cancellation of the bail.

7. It is further directed that the court in seisin of the matter to verify the criminal antecedents of the Petitioners and impose any additional condition(s), if situation so warrants. This order shall remain valid in the event the court in seisin of the matter is satisfied that Petitioner has no criminal antecedents.

8. With the above direction, the BLAPL is accordingly allowed.

9. Issue urgent certified copy of this order on proper application.

(A.K. Mohapatra)
Judge