

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8981 of 2021

Naresh Kanhar

..... Petitioner

Mr. A.R. Panda, Advocate

-versus-

State of Odisha

..... Opposite Party

Mr. M.K. Mohanty, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

11.05.2022

Order No.

- 03.
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 C.T. Case No.37(A) of 2019 arising out of Phiringia P.S. Case No.67 of 2019 pending in the court of learned Sessions Judge-cum-Special Judge Court, Phulbani for commission of offence punishable under Sections 20(b)(ii)(C)/25/29 of the N.D.P.S. Act.
 5. The prosecution case, in a nutshell, is that on 11.08.2019 at about 6.15 A.M. while the informant along with his other staffs were performing patrolling duty they got a reliable information that some persons were illegally transporting ganja through a Bolero bearing Registration No.OD-05-P-6379. After getting above such information,

the informant and his staff went to the spot and detained the above said Bolero and two persons were come out from the said Bolero, on being asked they disclosed their names and identity as Babula Kanhar and Ranjan Kanhar and further on being searched, the informant also found a jar bag which containing ganja 107 Kgs. 300 grams. It is further alleged that on further interrogation, the accused persons disclosed that they were procured said contraband articles from the present petitioner and one Panchanan Bisoi. Thereafter, the informant seized the above said Bolero including the contraband ganja in presence of the independent witnesses and forwarded the apprehended accused persons to the court concerned. Hence, this case.

6. It is submitted by learned counsel for the petitioner that the Petitioner is in custody since 18.08.2021 and investigation of the case has been completed and charge-sheet has been submitted by the police. He further submits that the petitioner does not have any criminal antecedent of similar nature. He also submits that there is no scope for absconding or fleeing from the hands of the justice and that the petitioner is a local man. It is also submitted that another co-accused on similar footing with the present petitioner has already been released on bail by this Court vide order dated 28.03.2022 in BLAPL No.1995 of 2022.

7. Mr. Mohanty, learned Additional Standing Counsel for the State 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.

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 following 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; and
- 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.

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.

(A.K. Mohapatra)
Judge

