

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8987 of 2021

Bikram Bairagi

.... ***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

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 learned Additional Standing Counsel.
3. Perused the Case Diary, F.I.R. and the statements of the witnesses recorded under section 161 Cr.P.C.
4. 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. 205 of 2021 corresponding to T.R.Case No.74 of 2021, pending in the Court of the learned Sessions Judge-cum-Special Judge, Koraput at Jeypore for alleged commission of offence under Sections 20(b)(ii)(C)/29 of the N.D.P.S.Act.
5. The prosecution case as revealed from the F.I.R. in short is that on getting information regarding transportation of ganja in a truck from Barninput towards Jeypore which was escorting by two persons in a bike, the I.I.C. of Jeypore Sadar P.S. detained the vehicle near

village Ambagadua. On search he found two persons were inside the truck and ganja has been packed and scrapped with brown colour Cello tap inside the said coal loaded truck in concealed manner. He also detained the two persons who were escorting the truck by a bike. It is also in the F.I.R. that as the accused persons failed to produce any licence, they were arrested after complying with the mandatory provisions and seized the contraband ganja of 579 kg.

6. It is submitted by the learned counsel for the Petitioner that the Petitioner is languishing in jail custody since 26.08.2021 and after completion of investigation charge sheet has been filed. It is further submitted by the learned counsel for the Petitioner that the present Petitioner along with one Bideshi were coming on a bike. They were apprehended by the Police. He further submits that the contraband ganja was seized from the truck and from the truck one Abhiram Harijan and Bhawani Prasad Singh were arrested and from their exclusive possession contraband ganja of 600 kg was recovered. On the basis of the statement of co-accused persons, the present petitioner was arrested on the allegation that they were escorting the truck. It is further submitted by the learned counsel for the Petitioner that nothing was recovered from the exclusive and conscious possession from the Petitioner and he has been falsely implicated in this case. It is further submitted that the Petitioner belongs to the locality and there is no chance of his absconding and in the event he will be released on bail he shall cooperate with the trial. He further submits that there is no criminal antecedents against the Petitioner.

6. 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. Moreover, the

contraband ganja which has been seized is more than the commercial quantity.

7. Considering the nature of allegations and the role played by the Petitioner and the fact that he has been apprehended on the basis of the statement of the two persons arrested at the spot and considering the period of detention of the Petitioner in custody, 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 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 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) he shall not leave the jurisdiction of the trial court without prior permission of the trial court.
- vii) he shall provide the present address and mobile number to the local police station, in the event of any change in the address or mobile number, the same shall also be intimated to the local police.
- 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

(*A.K. Mohapatra*)
Judge

