

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9093 of 2021

Umesh Chandra 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 Special Case (NDPS) No.29 of 2021 arising out of Kantamal P.S. Case No.88 of 2021 pending in the court of learned District and Sessions Judge-cum-Special Judge, Boudh for commission of offence punishable under Section 20(b)(ii)(C) of the N.D.P.S. Act.

5. The prosecution case, in a nutshell, is that on 12.07.2021 while the informant along with his other police staff were performing patrolling duty, they got a reliable information that some persons were illegally transporting ganja through a TATA Indigo Car being Registration No.OR-02-BB-5360. After getting the above such

information, the informant and his staffs went to the spot and detained the above said vehicle on suspicion and further the informant found that two persons including the driver inside the vehicle. On being search of the said vehicle the informant his staffs found to jari bags which were containing contraband articles of 77 Kgs.500 grams. Therefore the informant seized the above said vehicle as well as the contraband articles in presence of the witnesses.

6. It is submitted by learned counsel for the petitioner that the Petitioner is in custody since 12.07.2021 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.

7. Mr. Mohanty, leaned 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 fortnight 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