

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9133 of 2021

Sitaram Mondoi

....

Petitioner

Mr. Kaustuv Mohanty, 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.

06.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).

Learned counsel for the petitioner files surrender certificate of the petitioner in Court today. The same is accepted and be kept on record.

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.50 of 2021 arising out of Boudh P.S. Case No.226 of 2021 pending in the court of learned District Judge-cum-Special Judge Court, Boudh for commission of offence punishable under Section 20(b)(ii)(C) of the N.D.P.S. Act.

5. The case of the prosecution as revealed from the F.I.R. in brief is regarding seizure of 50 Kgs. of contraband ganja from two jarry bags

along with another jerry bag containing grocery items from a Tata India Car bearing Registration No.OR-02-AT-8965, which was being driven by the petitioner. Hence, this case.

6. It is submitted by learned counsel for the petitioner that the Petitioner is in custody since 16.09.2021 and investigation of the case has been completed and charge-sheet has been submitted by the police. He further submits that in the meantime, some witnesses have been examined in this case. 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, 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.

