

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9189 of 2021

Sukesh Mandal

.... ***Petitioner***
Mr.R.L.Pattnaik, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. M.K.Mohanty, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

13.04.2022

Order No.

02.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as the learned Additional Standing Counsel for the State.
3. This is an application under Section 439 of the Criminal Procedure Code filed by the Petitioner to release him on regular bail in connection with Mathili P.S.Case No.150 of 2021 corresponding to T.R.Case No.96 of 2021 pending in the Court of the learned Sessions Judge-cum-Special Judge, Malkangiri for commission of an alleged offence under Sections 20(b)(ii)(C) & 27 of the N.D.P.S.Act..
4. Learned counsel for the Petitioner submits that the Petitioner is languishing in jail custody since the date of his arrest i.e. on 29.09.2021 and after completion of investigation the Police submitted charge sheet in the case. It is also submitted on behalf of the Petitioner that the contraband ganja has been seized at the Bus stop and not from the conscious and exclusive possession of the Petitioner. It is also submitted by the learned counsel for the Petitioner that in the event of

release of the Petitioner, he will cooperate with the trial and he is ready and willing to abide by the terms and conditions that may be imposed by this Court.

5. Learned counsel for the State on the other hand opposes the prayer for bail and submits that such type of cases are rising every day in the locality and no leniency should be shown to the Petitioner while considering the prayer for bail of the Petitioner. However he submits that in the event of his release, stringent conditions may be imposed on the Petitioner since the Petitioner is a man of West Bengal.

6. Having heard learned counsel for the parties and considering the nature and gravity of the allegation as well as the custodial detention of the Petitioner and no contraband articles have been seized from the exclusive and conscious possession of the Petitioner, this court is 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 two local solvent sureties each 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 appear before the concerned Police Station once in a fortnight preferably on Sunday between 10 A.M. to 1 P.M. till conclusion of trial.
- ii) shall cooperate with the trial of the case and shall appear in court on each and every date to which the case is posted.
- iii) shall not indulge in any offence of similar nature
- iv) shall not leave the jurisdiction of the trial court with specific permission of the trial court till conclusion of the trial.
- v) Violation of any of the terms and conditions shall entail cancellation of bail.

7. It is open for the Court in seisin over the matter to fix any other conditions which may be deemed fit and proper in the facts and circumstances of the present case.

8. 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 such criminal antecedents of similar nature, this bail order shall automatically stands revoked.

9. The Bail Application is accordingly disposed of.

10 Urgent certified copy of this order be granted on proper application.

RKS

