

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9211 of 2021

Jagadish Badanayak

....

Petitioner

Mr. Tukuna Kumar Mishra, Advocate

-versus-

State of Orissa

....

Opposite Party

Mr. Manoj Kumar Mohanty, ASC for State

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. This is an application under Section 439 Cr.P.C. filed by the Petitioner for bail in connection with P.R. No.86/2021-22, corresponding to T.R. Case No.87 of 2021, pending in the file of learned Sessions Judge -cum-Special Judge, Koraput at Jeypore, for commission of alleged offences under Sections 20(b)(ii)(c) of N.D.P.S. Act.
3. Heard learned counsel for both the parties. Perused the FIR, Case Diary and statement of witnesses.
4. The prosecution case, in brief, is that on 21.09.2021, while the Informant-I.O. along with his staff conducting patrolling duty near Patraput, they noticed one Indigo Car was

proceeding from village Patraput to Jeypore town side. They detained the said vehicle where three persons were present in the car and on being search, the Informant found two bags containing contraband Ganja of 18 kgs. each total 36 kgs. On being asked, they disclosed their names and failed to produce any license. As such, he arrested the accused persons after complying the mandatory provisions and seized the contraband Ganja and forwarded the accused persons to the court.

5. Learned counsel for the Petitioner submits that Petitioner is languishing in jail custody since the date of his arrest, i.e. 21.09.2021. The police after completion of investigation submitted charge-sheet against the Petitioner. It is submitted that the Petitioner is an innocent person, he has been falsely entangled in the case. It is submitted that bar under Section 37 of the NDPS Act is not applicable to the case of the Petitioner. The further submission is that since he is a permanent resident of the locality, there is no chance of evading the trial of the case in the event of his release.

6. Learned counsel for the State vehemently objects the prayer for bail of the Petitioner. He further submits that in the event of release, stringent conditions may be imposed on the accused person.

7. Having regard to the facts and circumstances of the case, considering the nature and gravity of offences alleged and the period of detention of the Petitioner, this Court is inclined to

release the Petitioner on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty thousand) with one local surety for the like amount to the satisfaction of the learned court in seisin of the matter subject to the following conditions :

- i) He shall not involve himself in any similar nature of offence particularly involving the offence under the NDPS Act;
- (ii) He shall appear before the trial court on each and every date as fixed by the court;
- (iii) He shall appear before the I.O. on every fortnight of the month, preferably on Sunday at 10 A.M. to 1.00 P.M. and report to the police;
- (iv) He shall not tamper with the prosecution evidence;
- (v) He shall not influence or threaten any prosecution witness and cooperate in the investigation;
- (vi) He shall provide his present address and mobile number to the I.O. and if any changes therein shall also be intimated to the I.O.;
- (vii) He shall not leave the jurisdiction of the court without special permission from the court; and
- (viii) Violation of any of the above conditions shall entail cancellation of the bail.

8. It is further directed that the court in seisin of the matter to verify the criminal antecedents of the Petitioner and impose any additional condition(s), if situation so warrants. This order shall

remain valid in the event the court in seisin of the matter is satisfied that Petitioner has no criminal antecedents.

9. With the above direction, the BLAPL is accordingly allowed.

10. Issue urgent certified copy of this order on proper application.

(A.K. Mohapatra)
Judge

U.K.Sahoo

