

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10417 of 2022

Alok Digal

....

Petitioner

Mr. A. Das, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
14.12.2022

Order No.

02.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. The petitioner is an accused in connection with C.T. Case No.55 of 2021, pending in the Court of the learned Special Judge-cum-A.D.J. Balliguda, Kandhamal, arising out of K. Nuagaon P.S. Case No.62 of 2021, for alleged commission of offences under Section 20(b)(ii)(B) of NDPS Act.
3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Special Judge-cum-A.D.J. Balliguda, Kandhamal, by order dated 11.06.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted by the learned counsel for the petitioner that the FIR is dated 13.09.2021 and the basis of implication is on account of the statement of one Manoj Kumar Nayak, who is stated to have seen the petitioner along with two other co-accused running away.

5. It is submitted that the contraband involved in the case at hand is 14Kg 300gms, which is admittedly less than the commercial quantity.

6. Keeping in view the basis of implication and the quantity of contraband, learned counsel for the petitioner submits that the bar under Section 37 of the NDPS Act is not attracted.

7. Learned counsel for the State opposes the prayer for bail relying on the order of rejection and also the materials on record in the Case Diary inasmuch as the petitioner has criminal antecedents of similar nature, which has been duly noted by the rejection order.

8. Taking into account the manner in which the petitioner is sought to be implicated in the case at hand, quantity of contraband being less than the commercial quantity and filing of charge-sheet on 25.05.2022, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin over the matter.

9. Keeping in view the criminal proclivity of the petitioner, it is directed that the petitioner shall appear before the jurisdictional police station once every week till conclusion of trial.

10. Accordingly, the BLAPL stands disposed of.

11. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge

Ayesha