

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9372 of 2021

Sk.Mantaj

.... ***Petitioner***
Mr.S.K.Singh, 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.

04.

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 Jaleswar P.S. Case No.307 of 2021 corresponding to Spl.Case No.245 of 2021 pending in the Court of the learned District Judge-cum-Special Judge, Balasore for commission of an alleged offence under Section 21(C)29 of N.D.P.S.Act..
4. The Prosecution case as revealed from the F.I.R. in short is that on the direction of the I.I.C., Jaleswar P.S, the informant along with other police staff proceeded to village Jhadeswarpur to verify the information received with regard to trading and possession of brown sugar by accused Dilbari Bibi in her house. On reaching at village Jhadeswarpur at 7.30 A.M. the raiding party found accused Sk.Atahar Hussein @ Bhikari was standing on the verandah of his house. They

also found that one person came to the house of Dilbari Bibi and accused Sk.Atahar handed over one plastic carry bag to the said person. It is also alleged that the Petitioner opted to be searched in presence of an Executive Magistrate. During search by the raiding party suspected contraband brown sugar was recovered from the possession of the Petitioner and Sk.Atahar and on weighment the contraband brown sugar came to be 349 grams including the weight of polythene packet of 02 grams.

5. It is submitted by the learned counsel for the Petitioner that the Petitioner is languishing in custody since 18.09.2021 and the Police after completion of investigation submitted charge sheet in the case. It is also submitted by the learned counsel for the Petitioner that the co-accused persons have been released on bail by this Court in BLAPL No.8969 of 2021 and BLAPL No.9825 of 2021. It is further submitted by the learned counsel for the Petitioner that since the Petitioner is the permanent resident of his locality, there is no question of absconding or fleeing from the hands of justice and in the event of his release on bail he undertakes to appear before the trial court on each date of posting.

6. 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.

7. Having heard learned counsel for the parties and considering the nature and gravity of the allegation as well as the co-accused persons have been released on bail by this Court, 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 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 week 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 trial 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 tamper with the prosecution evidence while on bail.
- v) shall not influence or threaten any prosecution evidence while on bail.
- vi) Violation of any of the terms and conditions shall entail cancellation of bail.

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 criminal antecedent 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

(A.K. Mohapatra)
Judge