

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9379 of 2021

Dasarath Meher

.... ***Petitioner***
Mr.S.K.Jena, Advocate

-versus-

State of Odisha

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

11.04.2022

Order No.

02

I.A.NO.518 OF 2022 :

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Learned counsel for the Petitioner submits that the Petitioner does not want to press this I.A.
3. Accordingly, the I.A. stands disposed of as not pressed.
4. Heard learned counsel for the Petitioner as well as learned Additional Standing Counsel.
5. This is an application under Section 439 of the Code of Criminal Procedure filed by the Petitioner for bail in connection with Excise Mobile Unit, Bargarh P.R.No.45 of 2021-22 corresponding to C.T.(Spl) Case No.50 of 2021, pending in the Court of the learned District & Sessions Judge-cum-Judge, Special Court, Bargarh for alleged commission of offence under Sections 20(b)(ii)(C) of the N.D.P.S.Act.
6. It is submitted by the learned counsel for the Petitioner that the Petitioner is languishing in jail custody since 18.09.2021 and the Police after completion of investigation charge sheet has been filed in

this case. No seizure has been made from the exclusive and conscious possession of the Petitioner. The learned counsel for the Petitioner also submits that since the Petitioner is permanent resident of the locality, there is no chance of his absconding and in the event he is released on bail, he will appear before the learned trial court on each date of posting.

7. Learned Additional Standing Counsel 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, considering the fact that no contraband articles has been seized from the conscious and exclusive possession of the Petitioner and the period of custodial detention of the Petitioner, I am 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 one local solvent surety 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 not indulge himself in any similar nature of offence.
- ii) shall appear before the trial court on each and every date fixed by the trial court till conclusion of trial.
- iii) shall not tamper with the prosecution evidence.
- iv) shall not influence or threaten any prosecution witnesses while on bail.
- v) he shall appear before the concerned Police Station once in a fortnight preferably on Sunday in between 10 A.M. to 1 P.M. till conclusion of trial.
- vi) he shall not leave the jurisdiction of the trial court without

prior permission of the trial court.

- vii) Violation of any of the terms and conditions shall entail cancellation of bail.

9. The trial court may impose any other condition(s) as deem fit 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 of similar nature, this bail order shall automatically stand revoked.

11. BLAPL is accordingly disposed of.

12. Issue urgent certified copy as per Rules.

RKS

