

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9380 of 2021

Jagabandhu Sethi

....

Petitioner

Mr. Jyotirmaya Sahoo, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Manoj Kumar Mohanty, ASC for State

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

30.03.2022

Order No.

I.A.No.460 of 2022

03. 1. During course of hearing, learned counsel for the Petitioner does not want to press this I.A.
2. In such view of the matter, the I.A. stands dismissed as not pressed.

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04. 3. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
4. This is an application under Section 439 Cr.P.C. filed by the Petitioner for bail in connection with 2(a) C.C. No.04 of 2021(N), corresponding to P.R. No.30 of 2020-21, pending in the file of learned Additional Sessions Judge-cum-Special Judge, Chatrapur, for commission of alleged offences under Sections 20(b)(ii)(C) of N.D.P.S. Act.

5. Heard learned counsel for both the parties. Perused the FIR, Case Diary and statement of witnesses.

6. The case of the prosecution, in a nutshell, is that after getting reliable information, the Informant along with his staff proceeded to the house of the Petitioner and on searching, they found total 30.150 kgs. of Ganjan from the possession of the Petitioner and others and accordingly the Petitioner was arrested and forwarded to the judicial custody.

7. Learned counsel for the Petitioner submits Petitioner is languishing in jail custody since the date of his arrest, i.e. 27.08.2021. It is submitted that police after completion of investigation has filed charge-sheet on 7.1.2022. Learned counsel for the Petitioner submits that Petitioner is an innocent person he is a washer man and earning his livelihood by doing laundry work. It is submitted that he has been falsely implicated in the case. Since Petitioner belongs to the locality, there is no chance of absconding the trial of the case. In the event Petitioner is released on bail, he shall cooperate in the trial of the case.

8. Learned counsel for the State vehemently objects the prayer for bail of the Petitioner. It is submitted that now-a-days case of illegal trafficking of contraband articles are increasing day by day, therefore, no leniency should be shown to the present Petitioner, who involved in such crime. Accordingly, he prays for rejection of his bail application.

9. 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 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.

10. 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.

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

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

(A.K. Mohapatra)
Judge

U.K.Sahoo

