

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9384 of 2021

Sahabdeen

....

Petitioner

Mr. A.K. Budhia, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. M.K. Mohanty, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

20.05.2022

Order No.

07.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and learned counsel for the State. Perused the F.I.R., case diary and other relevant documents as well as statement of the witnesses.
3. This is an application under Section 439 of the Criminal Procedure Code.
4. The petitioner is an accused in T.R. No.21 of 2020 arising out of Gudari P.S. Case No.77 of 2020 pending in the court of learned Additional Sessions Judge-cum-Special Judge, Gunupur, Rayagada for commission of offence punishable under Sections 20(b)(ii)(C)/25/29 of the N.D.P.S. Act.
5. It is submitted by learned counsel for the petitioner that although the occurrence took place on 07.10.2020, the petitioner was arrested on 22.09.2021 i.e. almost one year of the occurrence.

Further, learned counsel for the petitioner submits that the contraband articles were carried on the knowledge of the owner and that the owner escaped from the liability had given the name of the petitioner. It is also submitted that the petitioner is suffering from T.B. and the petitioner is in custody on the basis of owner of the vehicle. Further he also submits that although the petitioner is an outsider, he is ready and willing to abide any terms and conditions imposed by this Court. He also submits that there is no scope for absconding or fleeing from the hands of the justice and that the bail application of the petitioner may be considered.

6. Mr. Mohanty, learned Additional Standing Counsel for the State vehemently opposes the prayer for bail of the petitioner and submits that number of such cases are increasing day-by-day and no leniency should be shown to the Petitioner or similarly situated persons and the petitioner is an outsider in the State of Rajasthan.

7. Having heard learned counsel for the parties and considering the period of custodial detention of the petitioner, it is directed that let the petitioner be released on bail 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 conditions that :-

- I. The petitioner shall not be involved in any offence of similar nature;
- II. he shall not tamper with the prosecution evidence or try to threaten or influence the witnesses in any manner whatsoever;
- III. he shall not make any default in attending the

court during trial on each date without fail;

- IV. he shall appear before the concerned Police Station once in a fortnight preferably on 'Sunday' in between 10.00 A.M. to 1.00 P.M. till conclusion of trial; and
- V. he shall not leave the jurisdiction of the Court in seisin over the matter and shall furnish their address and mobile number to the police from time to time.

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

8. It is open for the court in seisin over the matter to impose other conditions as may be deemed just and proper.

9. 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, this bail order shall automatically stand revoked.

10. The Bail Application is accordingly disposed of.

Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge