

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8748 of 2020

Paramananda Yadav

Petitioner

Mr. Anirudha Das, Advocate

-versus-

State of Odisha

Opposite Party

Mr. K.K. Gaya, ASC

**CORAM:
THE JUSTICE S. K. PANIGRAHI**

**Order
No.6**

**ORDER
08.02.2022**

1. This matter is taken up by virtual mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner being in custody in connection with Gochhapada P.S. Case No.47 of 2020 corresponding to C.T. Case no.43 of 2020, pending in the court of the learned District & Sessions Judge-cum-Special Judge, Kandhamal, Phulbani registered for the alleged commission of offence under Sections 20(b)(ii)C and 29 of the NDPS Act, has filed this application under Section 439 of Cr.P.C. for his release on bail.
4. The brief fact of the case is that while the informant along with their staff were performing patrolling duties got information from the reliable sources that five accused

persons were transporting 'Ganja' in a Maruti Suzuki Swift Car from Salaguda area to Kantamal Sahi. Thereafter, it was alleged that the informant along with their staff detained the vehicle and seized three number of poly bags containing 'ganja' from the dicky of the said car. Thereafter, it was further alleged that the informant and their staff in presence of the weighman detected all total 102 Kg of 'ganja' from three poly bags seized from the dickey of the said car.

5. Learned counsel for the petitioner submits that no contraband article has been recovered from the conscious possession of the petitioner. He further submitted that since five persons were travelling in the said vehicle and the contraband article was kept inside the dickey of the said vehicle, it was not made clear that whose article was that. It was recovered from the vehicle though the petitioner was travelling in the said vehicle, he was entangled in this case. Charge-sheet in this case has been submitted before the court below.. One co-accused who is similarly situated with the petitioner, has already been granted with bail by order of this Court in BLAPL No.6106 of 2020. The petitioner has been custody since 18.08.2020.

6. Learned counsel for the State vehemently opposed the same. The petitioner belongs to outside the state and if bail is granted, there is less likelihood of his appearance before the trial Court on each date of posting. Hence, some stringent conditions may be imposed in the event of his release on bail.

7. Considering the submissions and the facts and circumstances of the case, it is directed that let the petitioner be released on bail in the aforesaid case by furnishing cash security/property security of Rs.3,00,000/- (Rupees three lakhs) besides a bond of Rs.20,000/- with two local sureties each of the like amount to the satisfaction of the learned court in seisin over the matter with further conditions that

i) he shall appear before the court below on each date of posting of the case;

ii) he shall not indulge himself in any criminal offence while on bail and

ii) he shall not tamper with the prosecution evidence in any manner. .

8. Accordingly, the BLAPL stands disposed of.

9. Issue urgent certified copy of the order as per Rules.

(S. K. Panigrahi)
Judge

LB