

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9485 of 2021

Ashok Kumar

.... ***Petitioner***
Mr. K.K. Mishra, Advocate
-versus-

State of Odisha

.... ***Opposite Party***
Mr. K.K. Mohanty, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

Order No.

ORDER
18.05.2022

- 05.
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. Case No.114 of 2020 arising out of Orkel P.S. Case No.170 of 2020 pending in the court of learned Sessions Judge-cum-Special Judge, Malkangiri for commission of offence punishable under Sections 20(b)(ii)(C)/27-A of the N.D.P.S. Act.
 5. It is alleged that 99 Kgs. 600 grams of contraband Ganja was recovered and seized from the vehicle and the petitioner the gratuitous passenger.

6. It is submitted by learned counsel for the petitioner that the petitioner is in custody since 26.09.2020 and investigation of the case has been completed and charge-sheet in the case has been submitted. He further contends that the petitioner does not have any criminal antecedents. 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.

7. Mr. Nayak, leaned 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 that the petitioner belongs to the State of Rajasthan.

8. 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.1,00,000/- (rupees one lakh) with two local solvent sureties each 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;
- IV. he shall appear before the concerned Police Station once in a month 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 his address and mobile number to the police from time to time.

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

9. It is open for the court in seisin over the matter to impose any other conditions as may be deemed just 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, this bail order shall automatically stand revoked.

11. It is made clear that if the petitioner fails to attend the court on the date fixed on a single occasion, this order shall stand automatically revoked and the learned court below is at liberty to issue N.B.W. against the petitioner forthwith.

12. The Bail Application is accordingly disposed of.

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

(A.K. Mohapatra)
Judge

