

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9496 of 2021

Mantu Mallik

....
Petitioner
Mr.S.B. Panda, Advocate

-Versus-

State of Odisha

....
Opposite Party
Mr.G.N. Rout, Addl. Standing Counsel

CORAM:
JUSTICE R.K. PATTANAİK

Order No.

ORDER
12.01.2022

01.

1. This matter is taken up through video conferencing mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. This is an application under Section 439 Cr.P.C. filed by the petitioner for bail in connection with P.R. No.41 of 2021-22 corresponding to 2(a) C.C. (NDPS) No.17 of 2021 pending in the court of learned Sessions Judge-cum-Special Judge, Boudh on the grounds stated therein.
4. Perused the P.R. as at Annexure-1 and the impugned order dated 05.10.2021 i.e. Annexure-2.
5. Gone through the contents of the PR.
6. Learned counsel for the petitioner submits that a quantity of 20 kg. contraband ganja is shown to have been recovered and seized from the possession of the present accused and he is in judicial custody from the date of arrest and considering the above facts, he should be enlarged on bail with any conditions.

7. Learned counsel for the State, on the other hand, submits that case diary is not available.

8. Prima facie, it is made to suggest that 20 kgs of contraband ganja was recovered and seized by the Excise police, which was from the possession of the petitioner. It is claimed that the petitioner does not have any criminal antecedent. In absence of case diary, learned counsel for the State could not confront such claim of absence of criminal antecedent vis-à-vis the petitioner, in any case, the quantity of 20 kgs. only contraband ganja has been seized by the Excise police.

9. Considering the above facts, recording submission of learned counsel for the petitioner to the effect that the accused is having no criminal antecedent, the Court is of the humble opinion that accused should be released on bail with conditions.

10. Accordingly, it is directed that the petitioner be released on bail on furnishing a bail bond of Rs.20,000/- (rupees twenty thousand) with one solvent surety for the like amount to the satisfaction of the learned court below, who shall impose such other conditions, as would be deemed just and proper, in the facts and circumstances of the case.

11. The BLAPL is accordingly disposed of.

12. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020, modified by Court's Notice No.4798,

dated 15th April, 2021 and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

(R.K. Pattanaik)
Judge

KC Bisoi

