

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9608 of 2021

Kanhu Charan Jena

....
Mr.J.Samantaray, Advocate

Petitioner

-Versus-

State of Odisha

Opposite Party
Mr.S.N.Das, ASC

CORAM:
JUSTICE R.K.PATTANAIK

Order No.

ORDER
11.01.2022

1. This matter is taken up through video conferencing mode.
2. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
3. ★ This is an application under Section 439 Cr.P.C. for grant of bail to the petitioner in connection with Dharakote P.S. Case No. 120 of 2021 corresponding to G.R. Case No. 18 of 2021(N) registered under Section(s) 20(b)(ii)(c)/25 & 27 of the NDPS Act pending in the court of learned Addl.Sessions Judge-cum-Special Judge, Aska on the grounds stated therein.
4. Perused the F.I.R. and also the impugned order dated 01.09.2021 annexed to the bail application.
5. Gone through the contents of the F.I.R. which is lodged by the IIC, Dharakote P.S. described in the manner and circumstances which the alleged recovery of ganja seized from the house of one of the accused persons namely, Anil Padhiary.

6. Learned counsel for the petitioner submits that the other two accused persons from one of whom the recovery of the contraband substance was made have been granted bail by this Court in BLAPL Nos. 8399 of 2021 and 8061 of 2021 respectively and in so far as the present accused is concerned, he is on similar footing, considering which, the petitioner should be granted bail on the same terms and conditions as imposed on other two accused persons which is objected to by the learned counsel for the State on the ground that the accused appears to be a supplier and was present at the spot and the search was made in presence of the independent witness.

7. On perusal of the F.I.R. which is at Annexure-1, it is made to suggest that the local police conducted the raid on the house of one of the accused persons namely, Anil Padhiary who was not present but search was held in the immediate presence of the petitioner and another accused who was claimed to be in possession of the contraband ganja and confessed to have purchased it from the principal accused. It is submitted to the Court that the petitioner is the brother-in-law of the accused namely, Anil Padhiary. At the time of search the contraband ganja was possession from the accused Susanta Panda who is already released on bail in BLAPL No. 8061 of 2021 and the other accused persons namely, Anil Padhiary is also on bail in BLAPL No. 8399 of 2021. The allegation against the petitioner in so far as the concerned, he was the supplier of the contraband ganja.

8. Having regard to the above facts and the circumstances under which the alleged recovery was made from one of the accused persons as whose instance the

petitioner and other accused Anil Padhiary have been implicated and taking into account the release of the accused persons and the petitioner who is in judicial custody since the date of arrest should also be enlarged on bail by claiming parity and accordingly, it is ordered.

9. In the result, it is directed that the petitioner be released on bail on furnishing a bail bond of Rs.40,000/- (rupees forty thousand) with one solvent surety for the like amount each to the satisfaction of the learned court below in seisin over the matter with conditions that he shall not involved in similar criminal activities, while on bail; and shall report the I.O. once in a fortnight preferably on Sunday in between 10.00 A.M. to 1.00 P.M. for the purpose of investigation.

10. It is made clear that in the event of any of the above conditions is/are violated by the petitioner, it shall entail cancellation of his bail forthwith.

11. The BLAPL is accordingly disposed of in the above terms.

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 as modified by Court's Notice No. 4798, dated 15th April, 2021, and Court's Office Order circulated vide Memo Nos. 5143 and 515 dated 7th January, 2022.

(R.K.Pattanaik)
Judge

