

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10901 of 2019

***Kanhu Charan Mallik @
Mallik***

Petitioner
Mr.B.R.Tripathy,Advocate

-versus-

State of Odisha

.... Opposite Party
Mr.Karunakar Gaya, Adv..

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

**Order
No.**

**ORDER
07.02.2022**

07.

1. This matter is taken up by hybrid mode.
2. Heard learned counsel for the parties.
3. The petitioner being in custody in G.R. Case No.55 of 2019 arising out of Adava P.S. Case No.57 of 2019 pending in the court of learned Special Judge, Gajapati-Paralakhemundi for commission of offence under Section 20(b)(ii)(C)/29 of NDPS Act has filed this application under Section 439 of the Cr.P.C. for his release on bail.
4. The prosecution case in brief, is that on 16. 09.2019 at about 9.30 A.M. while the complainant S.I. of Police, Adava P.S. was performing patrolling duty, they found the present petitioner along with another co-accused were sitting beside two poly bags near Hadupadar Chhak. On seeing the raiding party, they tried to escape but failed. On searching of the plastic bags, 120 Kgs of ganja was recovered and seized from their conscious possession. Thereafter, the petitioner along with other co-accused were arrested and forwarded to the court.

5. Learned counsel for the petitioner submits that when the petitioner was waiting his Berhampur bound bus to travel to his destination, at that time, the Police team arrested him suspecting his involvement in commission of the transportation of contraband 'Ganja' in two jerry bags which were kept beside him. He has been falsely implicated based on the statement of the co-accused. More so, he has been languishing in jail custody since 16.09.2019 which is about more than two years. He does not have any criminal antecedents. Out of seventeen witnesses, only two witnesses are to be examined. There is bleak chance of completion of trial in near future due to ongoing pandemic situation. The petitioner shall abide by any terms and conditions in case he is released on bail.

6. Learned counsel for the State though vehemently objected the bail prayer of the petitioner but conceded the fact regarding length of detention of the petitioner in jail custody.

7. Considering the submissions made, facts and circumstances of the case as well as period of detention of the petitioner in custody, it is directed that the petitioner be released on bail in the aforesaid case with some stringent terms and conditions as deemed just and proper by the learned court in seisin over the matter with further conditions that:-

- i. the petitioner shall appear before the learned trial court on each date of posting of the case;

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

iii he shall not tamper the evidence of the prosecution evidence in any manner.

8. Violation of any of the conditions shall entail cancellation of the bail.

9. The BLAPL is accordingly disposed of.

10. Issue urgent certified copy as per Rules.



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