

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9655 of 2021

Susanta Digal

....

Petitioner

Mr. S.K. Dwibedi, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. S.N. Das, Additional Standing Counsel

CORAM:

MR. JUSTICE R.K. PATTANAIK

ORDER

11.01.2022

Order
No.

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 of Cr.P.C for grant of bail to the petitioner in connection with P.R. No.37 of 2015-16 corresponding to 2(a) CC Case No.2 of 2015 pending in the file of learned Special Judge, Phulbani.
4. Perused the impugned order i.e. Annexure-1 besides other documents.
5. Learned counsel for the petitioner submits that the accused was on bail but subsequently, defaulted in appearance on account of which NBWA was issued by the concerned court, whereupon, he was arrested and forwarded and he is in custody since 18.08.2021, considering which, he should be enlarged on bail with any conditions. A formal objection is submitted by the learned counsel for the State admitting it to be a bail jump case.

6. The petitioner was implicated for being in possession of 2 kgs of ganja and was granted bail but on account of default, NBWA was issued and he was arrested. The petitioner has been in custody for more than four months by now.

7. Considering the above facts and the fact that for the alleged default, the petitioner has been adequately penalized by being in custody since 18.08.2021, the Court is inclined to release him on bail and accordingly, it is ordered.

8. In the result, the petitioner is allowed to go 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 in seisin over the matter with a condition that he shall not default in future.

9. The BLAPL is disposed of.

10. As the restrictions due to the COVID-19 situation are continuing, learned counsel for the parties may utilize a soft copy of this order available in the High Court's website or print out thereof at par with certified copy in the manner prescribed, vide Court's Notice No.4587, dated 25 March, 2020 as 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