

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10917 OF 2019

Pappu Sah

***..... Petitioner
Mr. B.R. Tripathy, Adv.***

-versus-

State of Orissa

***..... Opposite Party
Mr. S.P. Raul, ASC***

**CORAM:
JUSTICE V. NARASINGH**

**ORDER
09.03.2022**

**Order No.
05.**

1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
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 on the file of learned Special Judge, Gajapati at Paaralakhemundi for alleged commission of offence under Sections- 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 contraband '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 have been 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 on the 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 submits at least one local surety and cash surety of Rs.1 Lakh .

(ii) 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,

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

(iv) he shall appear in the local Police Station once in every fortnight.

On his first date of such appearance on 25.03.2022, the concerned IIC is directed to submit a report to this Court regarding appearance of the petitioner on the said date, which shall be placed for consideration of the Court along with the disposed of matter.

Balaram

*(V.Narasingh)
Judge*