

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 11248 of 2022

Jaindra Digal

.... Petitioner

Mr.A.R. Panda, Advocate

-versus-

State of Odisha

.... Opp.Party

Mr.Arupananda Das

Addl. Government Advocate

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
19.12.2022**

Order No.

02. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard learned counsel for the petitioner and learned counsel for the State.

This is an application under section 439 of Cr.P.C. in connection with Gochhapada P.S. Case No.46 of 2021 corresponding to C.T. Case No. 47 of 2022 pending in the Court of learned Sessions Judge –cum- Special judge, Kandhamal, Phulbani for offence punishable under section 20(b)(ii)(C) of the N.D.P.S. Act.

The petitioner moved an application for bail before the Court of Special judge, Phulbani in-charge, which was rejected on 25.10.2022.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 25.10.2022 and

the contraband ganja was seized from the possession of one Sunil Padhan and on the basis of the confessional statement of the co-accused before police, the petitioner has been entangled in the case as an accused. Learned counsel further submitted that the petitioner is having no criminal antecedent and charge sheet has already been submitted under section 20(b)(ii)(C) of the N.D.P.S. Act and therefore, the bail application may be favourably considered. He has filed the copy of the charge sheet along with other documents, which are taken on record.

Learned counsel for the State on instruction submitted that the petitioner is having no criminal antecedents.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioner and since no contraband article has been seized from the possession of the petitioner and the involvement of the petitioner is based on the statement of the co-accused, absence of criminal antecedents against the petitioner and keeping in view the ratio laid down by the Hon'ble Supreme Court in the case of **Tofan Singh -Vrs.- State of Tamil Nadu reported in (2020) 80 OCR (SC) 641**, and taking into account the period of detention of the petitioner in judicial custody, I am inclined to release the petitioner on bail.

Let the petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.50,000.00

(rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter with further terms and conditions as the learned Court may deem just and proper including the conditions that the petitioner shall appear before the learned trial Court on each date to which the case is posted for trial and shall not try to tamper with the prosecution evidence. Violation of any of the conditions shall entail cancellation of bail.

The BLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.



(S.K. Sahoo)
Judge

PKSahoo