

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 11295 of 2022

Siladitya Pradhan* *Petitioner

Mr.M.K. Chand, Advocate

-versus-

State of Odisha* *Opp. Party

*Mr. Arupananda Das,
Addl. Government Advocate*

CORAM:

JUSTICE S.K. SAHOO

Order No.

ORDER

20.12.2022

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 Special Case (NDPS) No.16 of 2020 arising out of Boudh P.S. Case No.119 of 2020 pending in the Court of learned Sessions Judge - cum- Special Judge, Boudh for offences punishable under sections 20(b)(ii)(C) and 29 of the N.D.P.S. Act.

The petitioner moved an application for bail before the Court of learned Sessions Judge, Boudh which was rejected on 05.11.2022.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 29.10.2022 and he has

been charge sheeted under sections 20(b)(ii)(C) and 29 of the N.D.P.S. Act. It is further submitted that no contraband article has been seized from the possession of the petitioner and the commercial quantity of ganja was seized from the possession of co-accused persons and basing on his confessional statement before police, the petitioner has been entangled in the case. Learned counsel further submitted that the said co-accused has already been released on bail by this Court and therefore, the petitioner's bail application may be favourably considered.

Learned counsel for the State has produced the case diary and opposed the prayer for bail.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioner, since no contraband article has been seized from the possession of the petitioner, absence of criminal antecedents against him, release of the co-accused on bail and the fact that the petitioner's implication in the case is based on the confessional statement of the co-accused before police 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 further 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 not tamper with the evidence and shall appear before the learned trial Court on each date to which the case would be posted for trial. Violation of any of the conditions shall entail cancellation of bail.

The BLAPL stands disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge



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