

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL NO.10565 OF 2021

Danu Digal

....

Petitioner

Mr. S.K. Dwibedi, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. D.R. Parida, ASC.

CORAM:

MR. JUSTICE D.DASH

ORDER

04.03.2022

Order No.

- 03.
1. This matter is taken up through hybrids arrangement (virtual/ physical) mode.
 2. This is the second journey of the Petitioner, who is in custody in connection with Phiringia P.S. Case No.55 of 2021 corresponding to C.T. Case No.38 of 2021 pending on the file of learned Sessions Judge-cum-Special Judge, Phulbani running for the alleged commission of offence under section 20(b)(ii)(C)/ 25/29 of the NDPS Act, in filing this application under section 439, Cr.P.C., for his release on bail in the above mentioned case.
 3. Learned counsel for the Petitioner submits that on the allegation that this Petitioner was involved in transportation of 30 kgs.100 grams of ganja, he being arrested in the case is in custody since 04.05.2021. He further submits that other co-accused persons have in the meantime been released on bail and this Petitioner is the owner of the vehicle who earns his livelihood by engaging his vehicle for carriage of goods of different persons and he having engaged his vehicle has been the victim of the circumstances when he had no knowledge as to the carriage of any contraband. It is

submitted that in the meantime, investigation being complete, charge-sheet has already been submitted and the Petitioner being a permanent resident of the district of Kandhamal, there remains no scope on the part of the Petitioner to flee from justice when the question of tampering the evidence also does not arise as most of the witnesses are officials. He therefore, urges for grant of bail to the Petitioner as according to him, at this stage, the bar contained in section-37 of the NDPS Act does not stand on the way.

4. Learned counsel for the State opposes the move in view of the contraband ganja said to have been seized from the possession of the Petitioner.

5. Taking into account the submissions made; further keeping in view the materials on records as those stand against the Petitioner with other surrounding circumstances including the period of detention of the Petitioner in custody; it is directed that the Petitioner be released on bail in the aforesaid case on such terms and conditions as deemed just and proper by the Court is seisin of the case with further conditions that:-

1. he will appear in person before the Court in seisin of the case on each date of posting of the case without fail;
 2. will appear before the IIC, Phiringia P.S. every Monday in between 10 am to 2 pm for a period of next six months; and
 3. will not indulge himself in any criminal activity.
6. The BLAPL is accordingly disposed of.
- Issue urgent certified copy as per rules.

**(D. Dash),
Judge.**