

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10616 of 2021

Md. Salman

.... ***Petitioner***
Mr. S. Dwibedi, *Advocate*

-versus-

State of Odisha

.... ***Opp. Party***
Mr. G.N. Rout, *A.S.C.*

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

21.01.2022

Order No.

01. 1. This matter is taken up through Video Conferencing Mode.
2. Heard Mr. S. Dwibedi, learned counsel for the Petitioner and Mr. K.K. Nayak, learned counsel for the State. Perused the F.I.R., case diary and other relevant documents on record.
3. This is an application under Section 439 of the Criminal Procedure Code.
4. The Petitioner is an accused in C.T. Case No.62 of 2021 arising out of Tumudibandha P.S. Case No.76 of 2021 pending in the court of learned Special Judge-cum-Additional Sessions Judge, Balliguda for commission of offence punishable under Section 20(b)(ii)(C) of the N.D.P.S. Act.
5. It is alleged that 22 Kgs. 200 grams of contraband ganja was recovered and seized from the possession of the Petitioner.
6. Learned counsel for the Petitioner submits that the Petitioner does not have any criminal antecedent of similar nature of offence and he is in custody since 18.02.2021.
7. Learned counsel for the State vehemently opposes the prayer for bail of the Petitioner.
8. Having heard learned counsel for the parties and considering the

period of detention of the Petitioner and the fact that co-accused persons have already been released on bail, it is directed that let the Petitioner be released on bail on furnishing a bail bond of Rs.50,000/- (rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned court in seisin over the matter subject to conditions that the Petitioner shall not be involved in any offence of similar nature, he shall not tamper with the prosecution evidence or try to threaten or influence the witnesses in any manner whatsoever, shall not make any default in attending the court during trial on each date and shall appear before the concerned Police Station once in a week preferably on 'Sunday' in between 10.00 A.M. to 1.00 P.M.

9. It is open for the court in seisin over the matter to impose other conditions may deem just and proper.

10. It is further directed that the bail granted to the Petitioner is subject to the condition that learned court below shall verify whether the Petitioner has any criminal antecedents. In the event it is found that the Petitioner has any criminal antecedents, this bail order shall automatically stands revoked.

11. The Bail Application is accordingly disposed of.

12. As the restrictions due to resurgence of COVID -19 situation are continuing, learned counsel for the parties may utilize a print out of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned Advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020 as modified by Court's Notice No.4798, dated 15th April, 2021 and Office Order dated 7th January, 2022.

