

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10638 of 2021

Sribastsa Rautray @ Suresh Rout ***Petitioner***
Mr. S. Dwibedi, Advocate

-versus-

State of Odisha ***Opp. Party***
Mr. K.K. Nayak, 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 Special G.R. Case No.36 of 2021 corresponding to T.R. Case No.11/10 of 2013/2004 pending in the court of learned Additional Sessions Judge-cum-Special Judge, Nayagarh for commission of offence punishable under Section 20(b)(ii)(C) of the N.D.P.S. Act.
 5. It is alleged that the Petitioner and his brother have cultivated cannabis plants at backyard of their house. After getting such information, OIC of Ranpur Police Station along with other staff proceeded to the spot and while conducting a raid found at the backside of the house of the Petitioner 135 numbers of cannabis plants.
 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 06.11.2021.

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, 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 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 involve himself 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 and shall not make any default in attending the court during trial on each date.

9. It is open for the court in seisin over the matter to impose any other conditions as may be deemed 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 such 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.

