

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10686 of 2021

Dilu @ Dilip Mangaraj

....

Petitioner

Mr. Amlan Shakti Paul, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. R.K. Tripathy, ASC for State

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

21.01.2022

Order No.

01. 1. This matter is taken up through Video Conferencing mode.
2. This is an application under Section 439 Cr.P.C. filed by the Petitioner for bail in connection with Jankia P.S. Case No.241 of 2021, corresponding to T.R. Case No.148 of 2021, pending in the court of learned 1st Addl. Sessions Judge-cum-Special Judge under NDPS Act, Khurda, for commission of alleged offence under Section 21(b) of N.D.P.S. Act.
3. Heard Mr. A.S. Paul, learned counsel for the Petitioner and Mr. R.K. Tripathy, learned Additional Standing Counsel for State.
4. Learned counsel for the Petitioner submits that Petitioner is in jail custody since 24.10.2021. It is further submitted that he is an innocent person and he has been falsely entangled in this case. It is further submitted that the Petitioner does not have any criminal antecedents of similar nature.
5. Learned counsel for the State submits that a quantity of 11.24 gms. of brown sugar has been recovered from the custody of the Petitioner. Accordingly, he objects to the bail application of the accused Petitioner.

6. Considering the nature of allegations and the fact that Petitioner is in jail custody since the date of his arrest, i.e. from 24.10.2021 and that bar under Section 37 of the NDPS Act is not attracted, I am inclined to release the Petitioner on bail in the above case on furnishing a bail bond of Rs.50,000/- (Rupees Fifty thousand) with one solvent surety for the like amount to the satisfaction of the learned court in seisin of the matter and he shall not involve in any similar nature of offence particularly involving the offence under the NDPS Act.

7. Petitioner is also directed to appear before the local police station on every Sunday at 11.00 A.M. to 1.00 P.M. and cooperate with the investigation. This Court also directs the court in seisin of the matter to verify the criminal antecedents of the Petitioner and impose any additional condition(s), if situation so warrants. This order shall remain valid in the event the court in seisin of the matter is satisfied that Petitioner has no criminal antecedents of similar nature.

8. With the above direction, the BLAPL is accordingly allowed.

9. 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.

(A.K. Mohapatra)
Judge