

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10976 OF 2021

Prasant Sahani

....

Petitioner

Mr.A.K. Sahoo, Advocate

-versus-

State of Odisha

....

Opposite Party

Miss. A. Rath, ASC

CORAM:

MR. JUSTICE D.DASH

Order No.

Order

01.

24.02.2022

1. The matter is taken up through hybrid 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.80 of 2021 corresponding to C.T. Case No.48 of 2021 on the file of learned Sessions Judge-cum-Special Judge, Phulbani running for 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., has prayed for his release on bail.
3. Learned counsel for the Petitioner submits that the co-accused, who happens to be the driver of the auto rickshaw wherefrom bag containing ganja of 27 kgs and 300 grams was seized, has been released on bail. He further submits that according to the prosecution case that this Petitioner was sitting in the auto rickshaw. It is submitted that this Petitioner being a passenger in the auto rickshaw had no knowledge about the keeping of bag and its contents. He, therefore, prays for grant of bail to the Petitioner, who is in custody since 17.04.2021 as in the meantime the investigation of the case being complete, charge

sheet has been submitted and, there also remains no scope on the part of the Petitioner to flee from justice and tamper the evidence.

Learned counsel for the State opposes the move.

4. 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, in the absence of any such impediment; while being inclined to reconsider the prayer for grant of bail to the Petitioner; 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 in seisin of the case with further conditions that he shall not indulge himself in similar type of offence while on bail and shall appear before the Inspector-in-Charge of the concerned P.S. once in a fortnight preferably on Sunday between 10.00 am to 2.00 pm till conclusion of the trial.

Violation of any of the above condition(s) shall entail cancellation of bail.

4. The BLAPL is accordingly disposed of.

Issue urgent certified copy as per rules.

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