

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10980 of 2021

Sk. Kalim

.... ***Petitioners***
Mr. S. K. Baral, *Advocate*

-versus-

State of Odisha

.... ***Opp. Party***
Mr. Sk. Zafarulla, *A.S.C.*

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

24.01.2022

Order No.

- 01.
1. This matter is taken up through Video Conferencing Mode.
 2. Heard learned counsel for the parties. 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.25 of 2021 corresponding to K. Nuagaon P.S. Case No.24 of 202122 pending in the court of learned Additional District and 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 three persons were sitting inside the rest shed near Daringibadi Chhak and on seeing the police party, they ran away from the rest shed. On being asked them, they confessed that they were supplying the contraband ganja of 29 Kgs. 600 grams, which was recovered from their conscious possession.
 6. Learned counsel for the Petitioner submits that the present Petitioner is no way connected with the alleged offence and the contraband article was recovered with other accused persons and the Petitioner was waiting for bus to travel and that there is no contraband article seized from the conscious possession of the present Petitioner and

he is in custody since 14.04.2021. Considering the quantity involved Section 37 of the N.D.P.S. is not attracted.

7. Learned counsel for the State vehemently opposes the prayer for bail of the Petitioners.

8. Having heard learned counsel for the parties and considering the period of detention of the Petitioner and that Section 37 of the N.D.P.S. Act is not attracted, 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 be involved in any offence of similar natures, he shall not tamper with the prosecution evidence or try to threaten or gain over 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 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 of similar nature. 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.

