

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL NO.11008 OF 2021

Raju Muduli

....

Petitioner

Mr. Suchit Kumar Nayak, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. D.R. Parida, ASC

CORAM:

MR. JUSTICE D.DASH

ORDER

09.05.2022

Order No.

- 02.
1. This matter is taken up through hybrids arrangement (virtual/ physical) mode.
 2. This the successive journey of this Petitioner who is in custody in connection with Nandapur P.S. Case No.47 of 2019 corresponding to T.R. Case No.18 of 2019 on the file of learned Addl. District & Sessions Judge-cum-Special Judge, Koraput, 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 of the Cr.P.C. for his release on bail.
 3. Learned Counsel for the Petitioner submits that on the allegation that this Petitioner and three others were transporting 77 Kgs. of contraband ganja, he has been in custody since 10.08.2019. He further submits that co-accused namely, Kamu Pangi and Prashant Sisa similarly situated with the Petitioner have been released on bail by orders dated 05.11.2021 and

13.12.2021 passed by this Court in BLAPL Nos.8125 and 4563 of 2021 respectively. It is also submitted that the Petitioner being a permanent resident of the District of Koraput having his home and hearth, the question of his fleeing from justice does not arise and since most of the witnesses are officials; there is no scope of tampering the evidence. In view of all these, he contends that at this stage, the bar contained under Section-37 of the NDPS Act does no more stand on the way of grant of bail to the Petitioner. He, therefore, urges for reconsideration of grant of bail to the Petitioner.

4. Learned Counsel for the State opposes the move citing the quantity of contraband seized in connection with the case. He further submits that the Petitioner being one of the occupants of the vehicle cannot plead his ignorance as to carriage of contraband ganja therein. He however, does not dispute the factum of detention of the Petitioner since 10.08.2019 as also grant of bail to the co-accused, Kamu Pangi and Prashant Sisa similarly situated with the present Petitioner.

5. 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 and on going through the order passed by the learned Addl. District & Sessions Judge-cum-Special Judge; 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 is seisin of the case with further conditions that:-

1. he will appear in person before the Court in seisin of the case on each date of posting of the case without fail;
 2. will not indulge himself in commission similar type of offences; and
 3. will appear before the IIC, Nandapur P.S. every Monday in between 10 am to 2 pm till conclusion of the trial.
6. The BLAPL is accordingly disposed of.
- Issue urgent certified copy as per rules.

Himansu

