

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11042 of 2021

Siman Majhi & another

..... Petitioners
Mr.Devashis Panda, Advocate

-versus-

State of Odisha

..... Opposite Party
Mr. P.C.Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

13.07.2022

Order No.

02

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners as well as learned Additional Standing Counsel for the State.
3. This is an application under Section 439 of the Code of Criminal Procedure filed by the Petitioners for bail in connection with R.Udayagiri P.S.Case No.78 of 2020 corresponding to G.R.Case No.59 of 2020 pending in the Court of the learned Special Judge, Gajapati, Parlakhemundi for alleged commission of offence under Sections 20(b)(ii) (C)/29 of N.D.P.S.Act.
4. It is submitted by the learned counsel for the Petitioners that earlier the Petitioners have approached this Court by filing anticipatory bail wherein this Court directed the Petitioner to surrender and move for bail before the court below and after rejection of the bail, the Petitioners are in custody. It is further contended by the learned counsel for the Petitioners that initially F.I.R. was lodged

on 01.10.2020 alleging commission of offence under section 20(b)(ii)(C)/29 of the N.D.P.S.Act on the basis of the statement of the co-accused, the Petitioners have been arrayed as co-accused persons in the present case. It is further submitted by the learned counsel for the Petitioners that the Petitioners belong to the locality and they are no way involved in the present crime. It is also submitted by the learned counsel for the Petitioners that since the Petitioners are resident of the locality as indicated in the cause title of the application, there is no chance of absconding or fleeing from receiving justice and in the event of their release, they will appear before the trial court on each date of posting of the case and shall abide by the terms and conditions that may be imposed by this Court.

6. Learned Additional Standing Counsel vehemently opposes the prayer for bail of the Petitioners and submits that illegal trafficking of contraband articles is rising day by day and no leniency should be shown to the Petitioners or similarly situated persons.

7. Having heard learned counsel for the parties, considering the surrounding circumstances of the case and the period of custodial detention of the Petitioners and the fact that no contraband ganja was seized from the exclusive or conscious possession of the Petitioners, I am inclined to grant bail to the Petitioners and it is directed that let the Petitioners be released on bail in the aforesaid case on furnishing bail bond of Rs.50,000/- (Rupees Fifty thousand) each with two local solvent sureties each for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following terms and conditions:

- i) they shall not indulge himself in any similar nature of offence.
- ii) shall appear before the trial court on each and every date fixed by the trial court till conclusion of trial.

- iii) shall not tamper with the prosecution evidence.
 - iv) shall not influence or threaten any prosecution witnesses while on bail.
 - v) they shall appear before the concerned Police Station once in a fortnight preferably on Sunday in between 10 A.M. to 1 P.M. till conclusion of trial.
 - vi) Violation of any of the terms and conditions shall entail cancellation of bail.
8. The trial court may impose any other condition(s) as deem fit and proper.
9. BLAPL is accordingly disposed of.
10. Issue urgent certified copy as per Rules.

RKS

