

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11114 of 2021

Hemanta Digal

.... Petitioner

Mr. A.R. Panda, Advocate

-versus-

State of Odisha

.... Opposite Party

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

06.07.2022

Order No.

05. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and learned counsel for the State. Perused the F.I.R., case diary and other relevant documents as well as statement of the witnesses.
3. This is an application under Section 439 of the Criminal Procedure Code.
4. The Petitioner is an accused in C.T. Case No.67 of 2021 arising out of Phiringia P.S. Case No.123 of 2021 pending in the court of learned Sessions Judge-cum-Special Judge, Phulbani for commission of offence punishable under Sections 20(b)(ii)(C)/25/29 of the N.D.P.S. Act.
5. The prosecution case, in a nutshell, is that on 28.09.2021 while the informant along with his other police staffs were performing patrolling duty, they got a reliable information that contraband ganja was being transported by means of a red colour Mahindra-KUV-100-

KL bearing Registration No.OD-07-S-4849 and one Black Colour OPEL Corsa Car bearing Registration No.OR-o2-Y-8899. After that they went to the spot and detained the above said two vehicles and on being searched of the above said vehicles from the Black Colour OPEL Corsa Car bearing Registration No.OR-o2-Y-8899 four jari packets of ganja has been recovered and from the red colour Mahindra-KUV-100-KL No.OD-07-S-4849 nothing has been recovered, only the driver and the occupants were escorting the vehicle in which the contraband articles were transported. Hence, this case.

6. It is submitted by learned counsel for the petitioner that the petitioner is a passenger of the escorting vehicle and he is in custody since 28.09.2021 and investigation of the case has been completed and charge-sheet has been submitted by the police. He further submits that the petitioner does not have any criminal antecedent of similar nature. He also submits that there is no scope for absconding or fleeing from the hands of the justice and that the petitioner is a local man.

7. Leaned Additional Standing Counsel for the State vehemently opposes the prayer for bail of the Petitioner and submits that illegal trafficking of contraband articles is rising day-by-day and no leniency should be shown to the petitioner or similarly situated persons.

8. Having heard learned counsel for the parties and considering the period of custodial detention of the petitioner, it is directed that let the petitioner be released on bail on furnishing a bail bond of Rs.50,000/- (rupees fifty thousand) with one local solvent surety for the like amount to the satisfaction of the learned court in seisin over the matter subject to following conditions that :-

- I. The petitioner shall not be involved in any offence of similar nature;
- II. he shall not tamper with the prosecution evidence or

try to threaten or influence the witnesses in any manner whatsoever;

III. he shall not make any default in attending the court during trial on each date without fail; and

IV. he shall appear before the concerned Police Station once in a fortnight preferably on 'Sunday' in between 10.00 A.M. to 1.00 P.M. till conclusion of trial.

Violation of any of the terms and conditions shall entail cancellation of bail.

9. It is open for the court in seisin over the matter to impose other conditions as may be deemed 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 criminal antecedents, this bail order shall automatically stand revoked.

11. The Bail Application is accordingly disposed of.

Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge