

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11118 of 2021

Bipra 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.

- 02.
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.66 of 2021 arising out of Gochhapada P.S. Case No.83 of 2021 pending in the court of learned Sessions Judge-cum-Special Judge, Phulbani for commission of offence punishable under Section 20(b)(ii)(C) of the N.D.P.S. Act.
 5. The prosecution case, in a nutshell, is that on 26.09.2021 while the informant along with his other police staffs were performing patrolling duty, they got a reliable information that contraband ganja was being transported through a Silver Colour Maruti Sujuki Alto LX bearing Registration No.OD-02-AN-4050. After getting above such

information, the informant and his staffs went to the spot and detained the above said vehicle and on seeing the police party, the driver over the said car fled away from the spot, however, the informant and his staffs could able to apprehend two of the occupants of the said vehicle. On being interrogation, they disclosed their names and identity and further disclosed the name of the absconded accused persons. On being search of the said vehicle, the police staffs found a bag which was containing 38 Kgs.200 grams of ganja. 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 27.09.2021 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. Further, learned counsel for the petitioner submits that the petitioner has another case in Gochhapada Police Station besides the present case.

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 is involved in the present case besides another case of Gochhapada P.S. more than other 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