

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11150 of 2021

Laxman Behera

.... ***Petitioner***
Mr. P.K. Das, 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 Special (NDPS) Case No.136 of 2021 arising out of Bhadrak Town P.S. Case No.419 of 2021 pending in the court of learned Special Judge-cum-Sessions Judge, Bhadrak for commission of offence punishable under Section 20(b)(ii)(C) of the N.D.P.S. Act and Section 25 of the Arms Act
 5. The prosecution case as per F.I.R. story, in short, is that on 17.11.2021 at about 20.45 hours, one Debraj Jena, S.I. of Police Bhadrak Town Police Station lodged F.I.R. against the petitioner along with others alleging therein that on 11.11.2021 at about 11.52 A.M.,

while the informant and his staff were performing M.V. checking/Covid Enforcement duty at Bonth Chhak, Bhadrak and other area, from the reliable sources, the informant got information that a group of people are coming from Phulbani to Puruna Bazar via Bhadrak with some contravened Ganja being loaded with a white Colour Honda Amaze Car bearing Registration No.Od-22.BM-8922 as well as in a white Colour ambulance bearing Registration No.OR-02-AZ-3414. The informant further alleged that some Ganja traders of Bhadrak district are also suspected to be available in both the vehicle. Hence, the present case.

6. It is submitted by learned counsel for the petitioner that the petitioner is in custody since 11.11.2021 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 two local solvent sureties 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 week 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