

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11195 of 2021

Suryakanta Nayak

.... ***Petitioner***
Mr. S.K. Nayak, 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 G.R. Case No.38 of 2021 arising out of Bhanjanagar P.S. Case No.508 of 2021 pending in the court of learned Additional Sessions Judge-cum-Special Judge, Bhanjanagar 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, in short, is that One Keshab Sarangi who at present working as S.I. of Bhanjanagar police station alleging inter alia that on 20.11.2019 for evening patrolling in P.s. area while informant with P.S. staff were performing patrolling duty near

Dadarlunda area at 7 p.m. received information that two persons coming from Kalingaghati side in a black colour CBZ Extreme Motorcycle bearing registration No.OD-06-A-1179 carrying contraband ganja in a jari bag. So he intimated the fact to IIC and as per his direction proceeded towards Durgaprasad Chhaka and near grant hotel found two persons coming from Kalinga side in a black colour CBZ Extreme Motorcycle carrying a white jari bag in the middle of the seat containing full of materials. Seeing the police vehicle, they suddenly turned back and tried to escape but after a short chase, the police party managed caught hold them. Hence, the present case.

6. It is submitted by learned counsel for the petitioner that the petitioner is in custody since 20.11.2021 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. Learned 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 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