

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11226 of 2021

Mohammad Saddam

.... ***Petitioner***
Mr. J. Kamila, 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 T.R. Case No.101 of 2021 arising out of Bisam Katak P.S. Case No.125 of 2021 pending in the court of learned Additional Sessions Judge-cum-Special Judge, Gunupur for commission of offence punishable under Section 20(b)(ii)(C) of the N.D.P.S. Act.
 5. It is alleged that on 11.11.2021 at about 11.30 A.M. Keshab Chandra Behera, the S.I. of Police, Bissamcuttack P.S. along with his staff were conducting vehicle checking near block office,

Bissamcuttack. During vehicle checking, they found the accused persons with three numbers of carry bags were coming in a high stopped by a Hero Honda Splendor motorcycle bearing Registration No.AP-30-E6357 from Bissamcuttack side towards Muniguda on the SH-5. On suspicion the S.I. of Police detained the vehicle and found smell of Ganja was coming from the said bags. So, the S.I. of Police adopting all procedure obtained the presence of the Executive Magistrate and witnesses and also after observing all formalities of search, searched the accused persons in presence of the witnesses and the Executive Magistrate and recovered 32 Kgs. of contraband Ganja contained in the jarry bags, from the possession of the accused persons and as the accused persons failed to produce any authority for transportation of illegal contraband Ganja, the informant seized the same. Hence this 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 in the case has been submitted. He further contends that the petitioner does not have any criminal antecedents. He also submits that there is no scope for absconding or fleeing from the hands of the justice and that the bail application of the petitioner may be considered.

7. Leaned Additional Standing Counsel for the State vehemently opposes the prayer for bail of the Petitioner and submits that number of such cases are increasing day-by-day and no leniency should be shown to the Petitioner or similarly situated persons and that the petitioner belongs to the State of Rajasthan.

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 each for the like amount to the satisfaction of the learned court in seisin over the matter subject to 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;
- IV. he shall appear before the concerned Police Station once in a month preferably on 'Sunday' in between 10.00 A.M. to 1.00 P.M. till conclusion of trial; and
- V. he shall not leave the jurisdiction of the Court in seisin over the matter and shall furnish his address and mobile number to the police from time to time.

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 any 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. It is made clear that if the petitioner fails to attend the court on the date fixed on a single occasion, this order shall stand automatically revoked and the learned court below is at liberty to issue N.B.W. against the petitioner forthwith.

12. The Bail Application is accordingly disposed of.

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

(*A.K. Mohapatra*)
Judge

I.A. No.667 of 2022

03. 13. Heard.

14. An oral prayer is being made by learned counsel for the petitioner that he does not want to press this I.A. of the petitioner. Accordingly, the I.A. is dismissed as not pressed.

(*A.K. Mohapatra*)
Judge