

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11313 of 2021

Kumarbali Challan and another ***Petitioners***
Babita Sahu, Advocate

-versus-

State of Odisha ***Opposite Party***
Mr. M.K. Mohanty, A.S.C. for State

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
18.05.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Video Conferencing) mode.
2. This is an application under Section 439 Cr.P.C. filed by the Petitioner for bail in connection with Mudulipada P.S. Case No.95 of 2021, corresponding to Special G.R. Case No.131 of 2021 in the file of learned Sessions Judge-cum-Special Judge, Malkangiri, for commissions of alleged offences under Section 20(b)(ii)(C) of N.D.P.S. Act.
3. Heard learned counsel for both the parties. Perused the relevant records.
4. Learned counsel for the Petitioners submits that Petitioners are in jail custody since 30.11.2021 and they have no criminal antecedents of similar nature. It is further submitted that a quantity of 13 kg. 200 gms of ganja has been recovered from the custody of the present Petitioners.

5. Learned counsel for the State vehemently opposes the prayer for bail of the Petitioners. However, he submits if the Petitioners are released on bail, stringent conditions may be imposed on the accused Petitioners.

6. Having heard learned counsel for the parties and considering the custodial detention of the Petitioner and the peculiar facts and circumstances of the case, this Court is inclined to release the Petitioner on bail subject to stringent conditions. Let the Petitioner be released on bail subject to furnishing bail bond of Rs.50,000/- (Rupees Fifty thousand) with two solvent sureties for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following terms and conditions :

- i) He shall not indulge in similar nature of offence;
- ii) He shall appear before the trial court on each and every date and shall cooperate for early conclusion of trial;
- iii) He shall not tamper with the prosecution evidence and shall not make any attempt to influence or threaten the witnesses;
- iv) He shall provide his address as well as his phone number to the concerned Police Station and keep the same updated in the event the same is changed in future;
- v) He shall appear before the concerned Police Station once in a fortnight preferably on Sunday between 10 A.M. to 1 P.M. till conclusion of trial.
- vi) He shall not leave the jurisdiction of the court without prior permission of the trial court;

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

8. 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 antecedent of similar nature, this order shall automatically stand revoked.

9. With the aforesaid observation the BLAPL stands disposed of.

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

(A.K. Mohapatra)
Judge

U.K.Sahoo

