

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.12545 of 2022

Pradeep @ Pradip Das

....
Mr. Rajib Lochan Pattnaik, Advocate

Petitioner

-Versus-

The State of Orissa

....
Mr. Sitikanta Mishra, ASC

Opposite Party

CORAM:
MR. JUSTICE K. PATTANAIK

ORDER
22.12.2022

Order No.

- 01.
1. Heard learned counsel for the petitioner and learned counsel for the State.
 2. Instant petition under Section 439 Cr.P.C. filed by the petitioner for bail in connection with Pottangi P.S. Case No.145 of 2022 corresponding to T.R. No.132 of 2022 pending in the file of learned Additional Sessions Judge-cum-Special Judge, Koraput for commission of offence under Section 20(b)(ii)(C) of NDPS Act.
 3. Perused the copy of the rejection order as at Annexure-1.
 4. Learned counsel for the petitioner submits that petitioner does not have any criminal antecedent, however, has been implicated in the present case for possession of contraband Ganja 25 kgs. 310 grams and since the petitioner is in custody from 22nd October, 2022, in the facts and circumstances of the case, he should be released on bail on any such terms and conditions as would be fixed by this Court.

5. Mr.Mishra, learned counsel for the State submits commercial quantity of contraband Ganja is seized from the possession of the petitioner and therefore, he should not be enlarged on bail and that too as he belongs to the State of West Bengal, after release, hemight even abscond.

6. Considering the submissions made and keeping in view the fact that investigation of the case is still in progress and recovery has been shown of contraband Ganja and no doubt it is more than the commercial quantity, the Court is of the view that since he is in judicial custody from the month of October, 2022 and a substantial quarter of investigation is over, the petitioner should be released on bail with stringent conditions.

7. Accordingly, it is ordered.

8. In the result, BLAPL stands allowed.

9. Consequently, it is directed that the petitioner be released on bail in connection with Pottangi P.S. Case No.145 of 2022 corresponding to T.R. No.132 of 2022 pending in the file of learned Additional Sessions Judge-cum-Special Judge, Koraputon furnishing a bail bond of Rs.50,000/- with two solvent sureties (one of whom to be a local surety)for the like amount to the satisfaction of the learned court below which shall impose such other conditions as would be deemed just and proper in the facts and circumstances of the case besides a condition that he shall not involve himself in any such similar criminal activity, while on bail and also to ensure his presence at the time of trial.

10. Issue urgent certified copy of this order as per rules.

(R.K. Pattanaik)
Judge