

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11432 of 2021

Biswanath Mandal

....

Petitioner

Mr. Saroj Kumar Padhi, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Rout, A.G.A. for State

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER
13.07.2022

Order No.

02. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for the Petitioner and learned Addl. Govt. Advocate for the State.
3. This is an application Under Section 439, Cr.P.C. for bail filed by the learned counsel for the Petitioner, in connection with C.T. Case No.239 of 2021 and Special Case (NDPS) No.23 of 2021 arising out of Baunsuni P.S. Case No.72 of 2021, involving offence under Section 20(b)(II)(C) of the NDPS Act, 1985, on the allegation that 40 Kgs. 200 grams of contraband ganja were seized from the vehicle used by the Petitioner.
4. Perused the F.I.R., Case Diary and the statements of the witnesses recorded under Section 161, Cr.P.C.
5. It is submitted by learned counsel for the Petitioner that the Petitioner is languishing in jail custody since 29.05.2021 and after

completion of investigation, charge-sheet has already been filed in the case. It is further submitted by learned counsel for the Petitioner that the mandatory provisions of NDPS Act has not been complied with by the Investigating Officer. It is also submitted by the learned counsel for the Petitioner that, in the event the Petitioner will be released on bail, he shall cooperate with the trial.

6. Learned Addl. Govt. Advocate on the other hand 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. Moreover, the Petitioner belongs to the State of West Bengal.

7. Considering the nature of allegations made against the Petitioner and the period of custodial detention of the Petitioner, I am inclined to grant bail to the Petitioner and hence it is directed that let the Petitioner be released on bail in the aforesaid case 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 the following terms and conditions :-

- (i) he shall not indulge himself in any similar nature of offence;
- (ii) shall appear before the trial court on each and every date fixed by the trial court till conclusion of trial.
- (iii) shall not tamper with the prosecution evidence.
- (iv) shall not influence or threaten any prosecution witnesses while on bail.

(v) he shall appear before the concerned Police Station once in a week preferably on Sunday in between 10 AM to 1 PM till conclusion of trial.

(vi) he shall not leave the jurisdiction of the trial court without prior permission of the trial court.

(vii) he shall provide the present address and mobile number to the local police station, and in the event of any change in the address or mobile number, the same shall also be intimated to the local police.

(viii) Violation of any of the terms and conditions shall entail cancellation of bail.

8. The trial court may impose any other conditions as deem fit and proper.

9. The BLAPL is accordingly disposed of.

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

(A.K. Mohapatra)
Judge