

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL NO. 11442 OF 2021

Dandapani Khemundu

....

Petitioner

Mr.Niranjana Panda, Adv.

-versus-

State of Odisha

....

Opposite Party

Mr.Karunakar Das, ASC

CORAM:

MR. JUSTICE S.K. PANIGRAHI

ORDER

15.02.2022

Order No.

01.

1. This matter is taken up by hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner being in custody in connection with Machkund P.S. Case No. 78 of 2019 corresponding to T.R Case No. 39 of 2019 pending in the court of the learned Additional Sessions Judge-cum-Special Judge, Koraput, registered for the alleged commission of offences under Sections-20(b)(ii)C and 29 of the NDPS Act, has filed this application under Section 439 of CrPC for his release on bail.
4. The brief fact of the prosecution case is that on 07.12.2019 upon receiving information of the transportation of Ganja by a Bolero car, they detained two vehicles in connection with the same. Taking advantage of the darkness the driver fled from the spot. The present petitioner was an occupant of the car.

Contraband Ganja to the tune of 27.3 Kg. and 25.4 Kg respectively were recovered from both the vehicles.

5. Learned Counsel for the petitioner submits that the prosecution allegations leveled against the present petitioner are false and baseless. The petitioner was caught by the police on suspicion while he was travelling in the alleged vehicle from Machhkund to Lamtaput because of non-availability of transportation facilities to remote areas. Nothing has been seized from his conscious possession. Moreover, the petitioner has been languishing in custody since 22.09.2020 without facing trial. In case he is released on bail, he shall abide by any terms and conditions as imposed on him.

6. Learned counsel for the State vehemently opposed the bail prayer with the submission in the event of release, some stringent conditions may be imposed.

7. Considering the submissions made, facts and circumstances of the case as well as length of detention in custody without trial, it is directed that the petitioner be released on bail in the aforesaid case with some stringent terms and conditions as deemed just and proper by the court in seisin over the matter case with further conditions that:-

- i) he shall appear before the court below on each date of posting of the case and
- ii) he shall not tamper with the prosecution evidence in any manner.

Violation of any of the aforesaid conditions, shall entitle cancellation of bail.

8. Accordingly, the BLAPL stands disposed of being allowed.

9. Issue urgent certified copy of the order as per Rules.

(S.K. Panigrahi)
Judge

LB

