

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11582 of 2021

Srichandan Kanhar

Petitioner
....
M/s.A.R. Panda, Advocate

-versus-

State of Orissa

Opp. Party
....
M/s.D.Nayak, A.G.A.

CORAM:

JUSTICE G. SATAPATHY

ORDER

30.08.2022

Order No.

- 02.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Mr. Amulya Ratna Panda, learned counsel enters appearance on behalf of the petitioner by filing Vakalatanama in Court today along with the prisoner's petition. The same be kept on record.
 3. This is an application U/S. 439 of Cr.P.C. by the Petitioner for grant of bail in connection with Phiringiaps P.S. Case No.123 of 2021 corresponding to C.T. Case No.67 of 2021 pending in the Court of learned District & Sessions Judge-cum-Special Judge, Kandhamal for commission of offence punishable U/Ss. 20(b)(ii)(C)/25/29 of the N.D.P.S. Act read with Section 25 of the Arms Act.
 4. In the course of hearing of the bail application, learned counsel for the petitioner submits that the petitioner is admittedly an occupant of the Mahindra KUV vehicle along with two others who have been granted bail by this Court and no incriminating having been recovered from the Mahindra KUV vehicle, the petitioner can be safely presumed to have not committed any offence under N.D.P.S. Act. It is also advanced on behalf of the petitioner that the petitioner is inside jail custody since 28.09.2021 and the petitioner having been implicated in this case with perfunctory materials should be enlarged on bail.
 5. On contrary, learned counsel for the State, however, does not

dispute about release of two co-accused persons on bail and he also submits that the petitioner is also an occupant of Mahindra KUV vehicle. Learned counsel for the State, however, strongly opposes the bail application of the petitioner on the ground that he was escorting the OPEL CORSA Car from which contraband Ganja to the tune of commercial quantity has been recovered.

6. Considering the nature and gravity of accusations and keeping in mind the pre-trial detention of the petitioner since 28.09.2021 and taking into consideration the rival submissions and regard being had to the release of the co-accused Hemanta Digal in BLAPL No.11114 of 2021 and Milan Kumar Sahani in BLAPL No.2642 of 2022 and there being no materials collected by the investigating agency to find out any criminal antecedent against the petitioner or the petitioner would abscond or tamper with the prosecution materials, this Court feels it proper to enlarge the petitioner on bail.

7. Hence, the prayer for bail of the petitioner is allowed by extending the principle of parity and the Petitioner be released on bail on furnishing bail bonds of Rs.25,000/- with two solvent sureties each for the like amount to the satisfaction of the learned trial Court in seisin of the case on such terms and conditions as deem fit and proper with further conditions that the petitioner shall not leave the jurisdiction of the learned trial Court without prior permission and the petitioner shall attend the trial Court on each date of posting of the case unless his attendance is dispensed with by the learned trial Court.

8. Accordingly, the BLAPL stands disposed of.

9. Urgent certified copy of the order be granted on proper application.

(G. Satapathy)
Judge