

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 11634 of 2021

Ranjit Sikdar

.....

Petitioner

Mr. P. Jena, Adv.

Vs.

State of Odisha

.....

Opposite party

Mr. S.S. Pradhan, A.G.A.

CORAM:

JUSTICE SAVITRI RATHO

ORDER

30.08.2022

Order No.

03.

This matter is taken up through hybrid mode.

2 Heard Mr. P. Jena, learned counsel for the petitioner and Mr. S.S. Pradhan, learned Addl. Government Advocate for the State.

3. This is an application under Section 439 of Cr.P.C. for grant of bail to the petitioner-Ranjit Sikdar in connection with Mudulipada P.S. Case No.45 of 2019 corresponding to T.R. Case No.82 of 2019 pending in the Court of learned Sessions Judge -cum- Special Judge, Malkangiri where charge sheet has been submitted for commission of offences punishable under Section 20(b)/11(C)/25/27-A/29 of the N.D.P.S. Act against the present petitioner and co-accused Subash Khara Manindra Basu and Budu @ Ashok Mohri.

4. This is the second journey of the petitioner to this Court seeking bail. His earlier application BLAPL No.7765 of 2019 had been dismissed as withdrawn on 08.11.2021, as the learned counsel for the petitioner submitted that the petitioner wanted to withdraw the application and move the learned Court below afresh for bail. His prayer for bail has been rejected by the learned Special Judge, Malkangiri by order dated 08.12.2021.

5. The prosecution allegation in brief is that on 02.07.2019 while the Inspector of Police, Mudulipada Police Station was doing patrolling duty and naka checking along with the police station staff, at about 8.15 p.m. they noticed a car coming with high speed from Khairput side. When they approached the car, the engine stopped and four persons (two from front and two from back) including the driver came out and ran towards the jungle. But the police gave chase and caught hold of two persons while the other two managed to escape. On being asked, the two suspects admitted that they were carrying ganja inside the car and they ran away to evade detection. They revealed their identity to be the driver Ranjit Sikdar and Subash Khara both of Malkangiri and that the names of the two other accused persons who escaped were Budu @ Ahok Mohri and Manindra Basu. On search of the car one plastic gunny bag was found on the back seat and two others from in the dickey. As the accused persons could not produce any licence of authority for carrying the said ganja, they were detained and after following the procedure under Section 42 and 50 of the NDPS Act, the I.O. called the independent witnesses, weighted the ganja which came to 164 kgs. 5.50 grams. He seized the same and arrested the petitioner and co-accused Subash Khara.

6. Mr. Jena, learned counsel for the petitioner submits that the petitioner is in custody since 03.07.2019 and the other three co-accused persons have been released on bail by this Court. Manindra Basu has been released vide order dated 13.08.2021 passed in BLAPL No. 3614 of 2021 and Budu @ Ashok Mohri has been released vide order dated 25.04.2022 in BLAPL No.2903 of 2022. The successive application of Subash

Khara whose application had been rejected earlier and who stands on the same footing as the petitioner, has been allowed vide order dated 25.08.2022 passed in BLAPL No. 743 of 2022 by this Court. He further submits that as the petitioner has remained in custody since more than three years and the trial is yet to start, he may be released on bail on the ground of parity.

7. Mr. Pradhan, learned Addl. Government Advocate opposes the prayer for bail stating that the case has been split up against other two accused persons who had fled from the spot and trial has commenced against the petitioner and co-accused Subash Khara. He further submits that although the petitioner stands on the same footing as co-accused Subash Khara but as per order dated 25.08.2022 passed in BLAPL No. 743 of 2022 Subash Khara has been released on bail on account of his incorrect submission that he was not caught raid handed at the spot, but had fled away from the spot was apprehended later.

8. In view of the nature of allegations against the petitioner and the quantity of ganja seized, Section 37 of the N.D.P.S. Act, will be a bar for releasing the petitioner on bail. But considering the fact that two other co-accused persons have earlier been released on bail and the other co-accused Subash Khara who stands on the same footing as the petitioner has also been released on bail, I am inclined to release the petitioner on interim bail for a period of three months.

9. Let the petitioner Ranjit Sikdar be released on interim bail for a period of three months (90 days) on such terms and conditions as may be fixed by the learned Court below in seisin over the matter, including the following conditions :

(i) He will not indulge in any criminal activity while on

bail.

(ii) He will not threaten or try to influence prosecution witnesses while on bail.

iii) He will appear on each date in the trial Court when the case is posted for trial.

Violation of any condition will entail in cancellation of interim bail.

It is made clear that immediately after expiry of the period of 90 days, the petitioner shall surrender before the learned trial court.

10. The BLAPL is accordingly disposed of.

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

Sukanta

(SAVITRI RATHO)
JUDGE

