

(2024) 06 OHC CK 0080
In the Orissa High Court
Case No : Bail Application No. 5530 Of 2024

Chuman Digal

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 06-06-2024

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439

Narcotics Drugs and Psychotropic Substances Act, 1985 — Section 20(b)(ii)B, 37

Citation : (2024) 06 OHC CK 0080

Hon'ble Judges : M.S.Sahoo, J

Bench : Single Bench

Advocate : Mahes Das, A.K.Pati

Final Decision : Disposed Of

Judgement

M.S.Sahoo, J

1. The petition under Section 439 of the Cr.P.C. has been filed by the petitioner who is in custody in 2(a) C.C.No.26 of 2024 pending in the court of learned court of the Special Judge-cum-Addl. District and Sessions Judge, Balliguda arising out of OIC of Excise, Raikia P.R. No. 17 of 2024-2025 for alleged offences U/s 20(b)(ii)(B) of the N.D.P.S. Act.

2. It is submitted by learned counsel for petitioner that the petitioner seeks indulgence of the Court for grant of bail as the quantity of contraband alleged to have been seized from the petitioner is 8 Kg which is below the commercial quantity. Petitioner being aged about 31 years should be given a chance to come back to the society to lead a normal life that would help him in rebuilding his life. It is submitted that the petitioner is a local person having roots in the society shall subject himself to the jurisdiction of the learned court in seisin of the matter and shall abide by such terms and conditions that would be imposed if the Court is inclined to grant bail to the petitioner.

3. Learned ASC for the State referring to the provisions contained in section 37

of the N.D.P.S. Act and the allegations, opposes the prayer for bail.

4. Having heard learned counsel for petitioner, learned ASC for the State and considering the materials on record, this Court is inclined to grant bail to the petitioner subject to such stringent terms and conditions that would be imposed by the learned court in seisin of the matter which shall contain the following conditions :

two local sureties for an amount to the satisfaction of the learned court in seisin of the matter;

the court in seisin of the matter shall ensure and verify the credential of the sureties, the court shall direct and record its satisfaction;

the petitioner shall not in any manner make any inducement, threat or promise to the prosecution witnesses so as to dissuade them from disclosing

truth before the court and shall not tamper with the evidence;

the petitioner shall not indulge himself in similar activity;

the petitioner shall appear before the concerned authority as would be so required for the purpose; he shall appear before the police having jurisdiction of his area of residence, if directed by the learned court in seisin of the matter in the manner to be decided by the learned court;

the petitioner shall fully cooperate with the ongoing further investigation and make himself available anywhere as and when required for such purpose;

the petitioner shall be available to be contacted over mobile phone and such phone should remain active and normally not be changed, and in case of any change of mobile number of the petitioner for any bona fide reason, the same shall be communicated to the Investigating Agency;

the petitioner shall co-operate with the trial and shall not seek unnecessary adjournments on frivolous grounds to protract the trial;

the petitioner shall not indulge in any criminal activity or commission of any crime after being released on bail; In case of his involvement in any other criminal activities or breach of any condition imposed for grant of bail, the investigating agency shall file petition for cancellation of bail;

5. The BLAPL is disposed of accordingly.

It is clarified that any observations made in this order shall not be construed to be the opinion of this Court regarding the merits of the contentions that would be raised in the pending trial before the learned court in seisin by either of the parties to the present petition.

Urgent certified copy of this order be granted in accordance with Rules.

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