

**(2024) 06 OHC CK 0040**  
**In the Orissa High Court**  
**Case No : Bail Application No. 2947 Of 2024**

Dipak Patel

APPELLANT

Vs

State Of Odisha

RESPONDENT

**Date of Decision :** 19-06-2024

**Acts Referred:**

Code of Criminal Procedure, 1973 — Section 439

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

**Citation :** (2024) 06 OHC CK 0040

**Hon'ble Judges :** V. Narasingh, J

**Bench :** Single Bench

**Advocate :** T. Nanda, P.K. Maharaj

**Final Decision :** Disposed Of

## Judgement

V. Narasingh, J

1. Heard learned counsel for the Petitioner and learned counsel for the State.
2. The Petitioner is an accused in connection with Spl. G.R. Case No.114 of 2022 pending on the file of learned 1st Additional Sessions Judge-cum-Special Judge, Bolangir, arising out of Tusura P.S. Case No.209 of 2022 for commission of offence alleged under Sections 20(b)(ii)C of the NDPS Act.
3. Learned counsel, on instruction, submits that except the present BLAPL, no other bail application of the Petitioner relating to the aforementioned P.S. case is pending in any other Court.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned 1st Additional Sessions Judge, Balangir by order dated 22.01.2024 in the aforementioned case, the present BLAPL has been filed.
5. This is the third journey of the Petitioner to this Court. Earlier by order dated 18.04.2023 in BLAPL No.2711 of 2023 this Court directed the Petitioner along with co-accused to be released on bail subject to verification of criminal

antecedent.

6. Since it came to the fore that the Petitioners have criminal antecedent, the Petitioners therein filed I.A. No.643 of 2023 for modification, which was rejected by order dated 03.05.2023.

7. Thereafter, the Petitioner along with co-accused moved this Court in BLAPL No.5604 of 2023 which was rejected by order dated 16.08.2023. While rejecting the same, this Court took note of the criminal antecedents of the present Petitioner, who was Petitioner No.1 therein. Paragraph-11 of the said order is culled out hereunder for convenience of ready reference;

"11. It can be seen that petitioner No.1 has five criminal antecedents which has been wrongly mentioned as four and the antecedents are as under;

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1.

240/19

323,294, 506, 34 ????.

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2.

270/19

323,294, 506, 34 ????.

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3.

88/20

302/147/323 ????.

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4.

154/20

394 ????.

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5.

323/22

323/294/506/34 ????.

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xxx xxx xxx”

8. It is stated that the Petitioner is in custody from 25.12.2022 on the allegation of possessing contraband (ganja) to the tune of 21 kgs 900 grams along with the co-accused.

9. Learned counsel for the State opposes the prayer for bail.

10. It is stated by the learned counsel for the Petitioner that in the meanwhile some of the independent witnesses have been examined and have not supported the prosecution. But, it is not disputed that the official witnesses have also been examined whose depositions are on record and they have corroborated the case of the prosecution in materials particulars.

11. Taking note of the same and keeping in view the criminal proclivity of the Petitioner, as noted above, this Court is not inclined to entertain this bail application at this stage.

12. Accordingly, the BLAPL stands disposed of.

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