



IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.5435 of 2024

Jarip Mandal

.....

Petitioner

Represented By Adv. -
Amulya Ratna Panda

-versus-

State Of Odisha

.....

Opposite Party

Represented By Adv. -
G.N.Rout, A.S.C.

CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA

ORDER

Order No.

30.05.2024

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel appearing for the Petitioner and learned Additional Standing Counsel appearing for the State- Opposite Party. Perused the materials placed before this Court.
3. The present bail application under Section 439 of Cr.P.C. has been filed by the Petitioner for regular bail in connection with Excise Balasore Sadar-II P.R. No.21 of 2024 corresponding to Special Case No.128 of 2024, pending in the Court of learned District & Sessions Judge-cum-Special Judge, Balasore for alleged commission of offence punishable under Sections 20(b)(ii)(C) of the N.D.P.S. Act.
4. Learned counsel for the Petitioner submits that earlier this matter was not before any of the bench of this Court. It is



submitted by the learned counsel for the Petitioner that the Petitioner is in custody since 12.05.2024. He further contended that as per the F.I.R. allegation the total quantity of 22 Kg ganja was recovered from including the present petitioner. Learned counsel for the petitioner further disputed the alleged recovery of contraband articles from the exclusive and conscious possession of the present petitioner. He further contended that the petitioner does not have any similar criminal antecedent. Learned counsel for the petitioner submitted that even though the petitioner is from outside the State of Odisha, he is ready and willing to abide by any terms and condition imposed by this Court in the event he released on bail.

5. Learned Additional Standing Counsel on the other hand opposed the bail application of the Petitioner on the ground that such cases are increasing day-by-day and no leniency should be shown to the petitioner. He further submitted that the Petitioner does not belong to the State of Orissa, therefore, release of the Petitioner be difficult to ensure the appearance of the Petitioner before the Trial Court during trial. In such view of the matter, he submitted that the bail application of the Petitioner be rejected at this juncture.

6. Having heard the learned counsels appearing for the respective parties and on a careful examination of the surrounding facts and circumstances of the present case and further keeping the view the period of detention of the Petitioner in jail custody and the fact that the Petitioner does not have any



similar criminal antecedent, this Court is inclined to release the Petitioner on bail subject to imposition of stringent conditions.

7. Hence, it is directed that the Petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.40,000/- (Rupees Forty thousand) with one local solvent surety for the like amount to the satisfaction of the Court in seisin over the matter subject to the following terms and conditions:

- I) The Petitioner shall also file an affidavit before the Trial Court with regard to indicating there his residential details other details like Aadhar No., Phone No. before the jurisdictional police station & further release of the Petitioner shall be subject to verification of such details as would be furnished by any relative of the Petitioner in the shape of an affidavit.
- II) he shall not be involved in any offence of similar nature while on bail;
- III) he shall not tamper with the prosecution evidence or try to threaten or influence the witnesses in any manner whatsoever;
- IV) he shall not make any default in attending the court during trial on each date without fail;
- V) he shall appear before the concerned Police Station once in a fortnight preferably on 'Sunday' in between 10.00 A.M. to 1.00 P.M. till conclusion of



the trial.

Violation of any of the terms and conditions shall entail cancellation of bail.

8. It is further directed that the bail granted to the Petitioner is subject to the condition that the court below shall verify whether the Petitioner is having any criminal antecedent of similar nature. In the event it is found that the Petitioner is having any similar criminal antecedent, this bail order shall automatically stand revoked.

9. The BLAPL is, accordingly, disposed of.

(A.K. Mohapatra)

Vacation Judge

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Signature Not Verified

Digitally Signed
Signed by: RUBI BEHERA
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 30-May-2024 19:57:54

