
(2024) 05 OHC CK 0093

Orissa High Court

Case No: Bail Application No. 4314 Of 2024

Ritikeshan Pradhan @
Ritikieshan

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision: May 7, 2024

Acts Referred:

- Code of Criminal Procedure, 1973 - Section 439
- Narcotics Drugs and Psychotropic Substances Act, 1985 - Section 20(b)(ii)B, 37

Hon'ble Judges: A.K. Mohapatra, J

Bench: Single Bench

Advocate: Kuldeep Mohanty, M.K. Mohanty

Final Decision: Disposed Of

Judgement

A.K. Mohapatra, J

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 T.R. No.206 of 2024, arising out of Tamando P.S. Case No.150 of 2024, pending in the Court of learned Sessions Judge-cum-Special Judge, Khurda at Bhubaneswar, for alleged commission of offence punishable under Section 20(b)(ii)B of N.D.P.S. Act, 1985.

4. It is submitted by the learned counsel for the Petitioner that earlier this matter was not before any other Bench of this Court. He further submitted that the Petitioner is in custody since 16.04.2024. He further submitted that as per F.I.R. allegation, a total quantity of 2.5 Kgs. of contraband Ganja was recovered from the possession of the Petitioner. He further contended that since the seized contraband Ganja is less than the commercial quantity, the bar under Section 37 of the N.D.P.S. Act would not be attracted to the facts of the present case. He further contended that since the Petitioner belongs to the locality, there is no chance of his absconding. It is also contended that the Petitioner does not have any similar criminal antecedent. On such ground, learned counsel for the Petitioner submitted that the Petitioner be released on bail on any terms and conditions which he shall abide by while on bail.

5. Learned Additional Standing Counsel appearing for the State-Opposite Party, on the other hand, opposed the release of the Petitioner on bail on the ground that allegations made against the Petitioner are serious in nature. He further submitted that the cases of illegal transportation of contraband Ganja are on rise in State of Odisha now-a-days. However, the release of the Petitioner at this stage would create hindrance for early conclusion of the trial. Therefore, he submitted that the prayer for bail of the Petitioner be rejected at this juncture.

6. Considering the submissions made by the learned counsels appearing for the respective parties and upon a conspectus of the surrounding facts and circumstances involved in the present bail application and further taking into consideration the quantity of contraband Ganja, the bar under Section 37 of the N.D.P.S. Act would not be attracted, this Court is inclined to release the Petitioner on bail.

7. Hence, it is directed that the Petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.20,000/-(Rupees twenty thousand) with one local solvent surety for the like amount to the satisfaction of the Court in seisin over the matter. The release of the Petitioner shall also be subject to such other terms and conditions as would be fixed by the Court in seisin over the matter.

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 has any criminal antecedent of similar nature. In the event it is found that the Petitioner is having any criminal antecedent of similar nature, then this bail order shall automatically stand revoked.

9. The BLAPL is, accordingly, disposed of.

Issue urgent certified copy of this order as per Rules.

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