

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 86 of 2022

Rohit Kumar Hial

....

Petitioner

Mr. A.K. Jena, Advocate

- Versus -

State of Orissa

.... **Opposite Party**

Mr. S.K. Mishra, Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

24.06.2022

Order No.
02.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
3. The petitioner is in custody since 29.03.2021 in connection with Mathili P.S. Case No.53 of 2021 corresponding to Spl. G.R. Case No.45 of 2021 of the Court of learned Sessions Judge-cum-Special Judge, Malkangiri for the alleged commission of offence under Sections 21(b)(ii)(C) of NDPS Act, 1985.
4. It is alleged that the petitioner was the rider of the motorcycle and the pillion rider was carrying a sack containing contraband ganja weighing 30 Kg 050 grams. On being apprehended by police, the pillion rider fled away from the spot, for which the petitioner was taken into custody.
5. It is submitted that the statutory formality relating to search and seizure has not been followed. Moreover, the mode of weighment of the contraband article is also doubtful.
6. Considering the submissions, materials on record and the period of detention, I am inclined to allow the prayer for bail.

Let the petitioner be released on bail on such terms and conditions as the court in seisin over the matter may deem fit and proper to impose including the condition that he shall personally appear before the trial Court on each date of posting of the case without fail.

7. BLAPL is accordingly disposed of.

8. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana

