

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL NO.173 OF 2022

Ramsingh Kanhor

....

Petitioners

Mr. B.R. Tripathy, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Das, SC

CORAM:

MR. JUSTICE D.DASH

ORDER

01.02.2022

Order No.

- 01.
1. This matter is taken up by video conferencing mode.
 2. The Petitioner being in custody in connection with Rairakhol P.S. Case No.227 of 2021 corresponding to T.R. Case No.88 of 2021 on the file of learned Addl. District & Sessions Judge, Rairakhol running for alleged commission of offence under section 20(b)(ii)(C) of the NDPS Act, has filed this application under section 439 of the Cr.P.C. for his release on bail in the above mentioned case.
 3. Learned Counsel for the Petitioners submits that pursuant to the seizure of 21 Kgs. 530 grams of ganja from the vehicle which was laying in an abandoned condition by the side of road, this Petitioner and others have been arraigned in the case in saying that they were involved in transportation of the ganja so seized. He further submits that no such material has been collected at the time of investigation as against this Petitioner to connect him with the case. It is also submitted that in the facts and circumstances,

the error in the weighment as has been made is not altogether ruled out. He therefore, urges for grant of bail to the Petitioner as according to him, in so far as the Petitioner is concerned, the bar contained under section-37 of the NDPS Act does not stand on the way and as there remains no scope on the part of the Petitioner to flee from justice and tamper the evidence.

4. Learned Counsel for the State opposes the move in view of the quantity of contraband seized in the case.

5. Taking into account the submissions made; further keeping in view the materials on records as those stand against the s with other surrounding circumstances including the period of detention of the Petitioner in custody and on going through the order passed by the learned Addl. Sessions Judge-cum-Special Judge; in the absence of any such impediment; it is directed that the Petitioner be released on bail in the aforesaid case on such terms and conditions as deemed just and proper by the Court is seisin of the case with further conditions that:-

1. he will appear before the Court in seisin of the case on each date of posting of the case till conclusion of the trial; and
2. Will not indulge himself in commission of similar type of offence.

Violation of any of the condition(s) shall entail cancellation of bail.

6. The BLAPL is accordingly disposed of.

7. As the restrictions due to resurgence of COVID-19 situation are continuing, learned Counsel for the parties may

utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned Advocate, in the manner prescribed vide Court's Notice No.4587 dated 25th March, 2020 as modified by Court's Notice No.4798 dated 15th April, 2021 and Court's Office order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

***(D. Dash),
Judge.***

Narayan

