

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.261 of 2022

Arila Dibaka @ Hari Dibaka

....

Petitioner

Mr. B. Maharatha
Advocate

-versus-

State of Odisha

....

Opposite Party

Miss.S.Mishra,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

01.2.2022.

Order No.

01.

1. This matter is taken up through virtual mode.
2. Heard Mr. B. Maharatha, learned counsel for the Petitioner and Miss.S.Mishra, learned Addl. Standing Counsel for the State.
3. The Petitioner is in custody since 17th August, 2021 in connection with Chandrapur P.S. Case No.46/2020 corresponding to T.R. Case No.40/2020 pending in the court of learned Addl. Sessions Judge-cum-Special Judge, Gunupur for the alleged commission of the offence under Sections 20(a)(ii)/25/27-A/29 of the NDPS Act.

4. The allegation is that the Petitioner along with his son being financed by one Duli Bibhar cultivated cannabis plants over Government land in villages Sitapanga and Kodisura. On getting confidential information about such allegation, the staff of Chandrapur P.S. conducted raid during which as many as 72,000 of cannabis plants were destroyed by using a cutting machine.

5. It is submitted that there is no incriminating material to show the involvement of the present Petitioner and that the prosecution story on the face of record it is difficult to believe having regard to the fact that it is not possible on the part of a single person to cultivate such huge quantity of cannabis.

6. Learned Addl. Standing Counsel for the State, on the other hand, has opposed the prayer for bail by submitting that having regard to the fact that the Petitioner was found to have cultivated huge quantity of cannabis plants, no leniency should be shown to him.

7. Considering the submissions made, the materials on record, the period of detention already undergone and the fact that the investigation of the case appears to have progressed substantially, I am inclined to allow the prayer for bail.

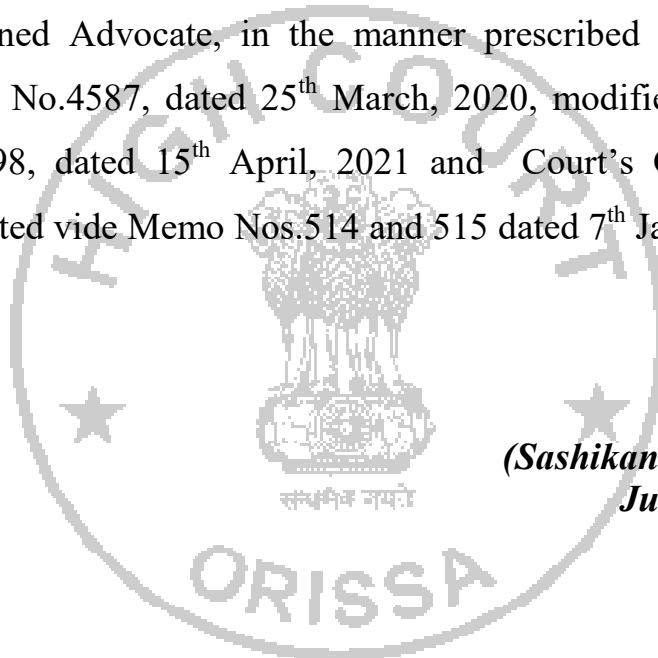
8. Let the Petitioner be released on bail on such terms and conditions as may be imposed by the court in seisin over the matter in the aforesaid case including the condition that he shall

appear before the I.I.C., Chandrapur P.S. on every Monday at 10 A.M. till submissions of charge sheet.

9. The BLAPL is disposed of.

10. 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, modified by Notice No.4798, dated 15th April, 2021 and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

AKB



(Sashikanta Mishra)
Judge