

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.333 of 2022

Goura Ghibala

.... Petitioner

Mr.S.K.Tripathy,
Advocate

-versus-

State of Odisha

.... Opposite Party

Mr. Sitikanta Mishra,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER
24.6.2022.

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 30th January, 2020 in connection with Nuapada P.S. Case No.17/2020 corresponding to S.A. Case No.11/2020 pending in the court of learned District and Sessions Judge-cum-Spl. Judge, Nuapada for the alleged commission of the offence under Section 21(C) of

NDPS Act read with Section 27(b)(ii) and 28 of Drugs and Cosmetics Act read with Section 25 of the Arms Act.

4. The prosecution allegation is that the Petitioner and some other persons were transporting several cough syrup bottles when they were apprehended by the Police. Learned Court below rejected the prayer for bail on the ground that the contraband article i.e. codeine phosphate is more than commercial quantity. It is submitted by the learned counsel for the Petitioner that the Petitioner is a driver and had no knowledge whatsoever as regards to the contents of the packets being carried in the said vehicle.

5. Learned Addl. Standing Counsel submits that the seized contraband involves commercial quantity and therefore the Petitioner should not be released on bail.

6. Considering the submissions as above, the materials on record and the fact that the Petitioner was admittedly the driver of the vehicle and there is no other material to show that the contraband was being transported with his knowledge and connivance, as also taking into account the long period of his detention in custody, I am inclined to allow the prayer for bail. 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 court below personally on each date of posting of the case without fail and in case of any single

default, the said court shall pass appropriate orders to take him to custody again.

7. The BLAPL is disposed of.

8. Urgent certified copy of this order be granted on proper application.

AKB

(Sashikanta Mishra)
Judge

