

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 395 of 2022

Sisira Behera

....

Petitioner

*Mr. M. Nayak,
Advocate*

-Versus -

State of Odisha

....

Opposite Party

*Mr. P. Tripathy,
Additional Standing Counsel*

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

30.06.2022

Order No.

2.

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 17.08.2021 in connection with Chandrasekharpur P.S. Case No.366 of 2021 corresponding to T.R. Case No.368 of 2021 pending in the court of learned Sessions Judge, Khurda at Bhubaneswar for the alleged commission of offence under Section 29/21(c) of N.D.P.S. Act.
4. It is submitted that nothing was seized from the possession of the petitioner and he has been implicated in the case solely on the basis of the so called confessional statement of the accused. The FIR also reveals that the seizure was made from one Megha @ Bihari @ Susant Kumar Sahoo, whereby, 253 grams of brown sugar was recovered. Subsequently, on his statement, the petitioner was roped into the case and arrested.

5. Even though the quantity of contraband seized is more than commercial quantity, yet having regard to the fact that the same was not seized from the possession of the present petitioner as per the prosecution case, I am inclined to allow the prayer for bail having regard to the ratio laid down in the case of ***Tofan Singh v.s. State of Tamil Nadu***, reported in (2020) 80 OCR (SC) 641. 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.

6. The BLAPL is disposed of

7. Issue urgent certified copy as per rules.

(***Sashikanta Mishra***)
Judge

