

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 442 of 2022

Jerad Raita

.... **Petitioner**

Mr. S. Parija, Advocate

- Versus -

State of Odisha

.... **Opposite Party**

Mr. P. Tripathy, Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

30.06.2022

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 03.12.2021 in connection with Jarada P.S. Case No.267 of 2021 corresponding to G.R. Case No.54 of 2021 pending in the Court of learned District and Sessions Judge-cum-Special Court, Berhampur for the alleged commission of offence under Sections 21(b)(ii)(C) of NDPS Act, 1985.
4. It is alleged that the petitioner and two other persons were carrying contraband ganja weighing 26 Kg 400 grams on a motorcycle when they were apprehended by police.
5. It is submitted that similarly placed co-accused, Rajesh Raita has been released on bail as per order passed by this Court in BLAPL No. 411 of 2022. It is further 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 in custody, 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

