

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 468 of 2022

Bibhuti Bhusan Biswas

....

Petitioner

Mr. J.K. Panda, Advocate

- Versus -

State of Odisha

.... **Opposite Party**

Mr. S.K. Mishra, Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

30.06.2022

Order No.

01.

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 09.12.2021 in connection with Orkel P.S. Case No.237 of 2021 corresponding to G.R. Case No.139 of 2021 pending in the Court of learned Sessions Judge-cum-Special Judge, Malkangiri for the alleged commission of offence under Section 21(b)(ii)(C) of NDPS Act, 1985.
4. It is alleged that the petitioner and another person were carrying contraband ganja weighing 35 Kg 200 grams on a motorcycle when they were apprehended by police.
5. It is 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 above facts as also taking into account the period of detention in custody without commencement of trial, 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

