

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.581 of 2022

Susen Bepari

....

Petitioner

Mr. R.L. Pattnaik
Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. S.K. Mishra
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER
18.7.2022.

Order No.

- 03.
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 11th January, 2022 in connection with Malkangiri P.S. Case No.182/2020 corresponding to T.R. Case No.56/2020 pending in the court of learned Sessions Judge-cum-Special Judge, Malkangiri for the alleged commission of the offence under Sections 20(b)(ii)(C)/27-A of the N.D.P.S. Act.

4. It is alleged that some persons had stacked huge quantity of ganja weighing 913.600 grams in a jungle near Tandapalli under Udupa Grama Panchayat of Malkangiri District. Upon receiving credible information, the staff of Malkangiri P.S. proceeded to the spot but on seeing them, the culprits managed to escape and the ganja kept in 36 gunny bags was seized. The Petitioner was arrested after about five months of the occurrence since his involvement in the alleged occurrence came to light during investigation. As it appears, nothing was seized from the exclusive and conscious possession of the Petitioner and he appears to have been arrested entirely on suspicion. There is no other material directly or indirectly showing his involvement in the occurrence. The Petitioner has been in custody for more than 6 months by now and as submitted at the bar, trial is yet to begin.

5. Taking into considering all the facts, 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 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.

6. It is made clear that if the Petitioner is found to have similar criminal antecedents, this order shall not be given effect to.

7. The BLAPL is disposed of.

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

AKB

(Sashikanta Mishra)
Judge

