

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.598 of 2022

Rabi Sahu @ Rabindra

....

Petitioner

Mr. M.Kanungo,
Sr.Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. S. Mishra,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

30.6.2022.

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 October, 2021 in connection with Gochhapada P.S. Case No.35/2020 corresponding to C.T. Case No.35-A/2020 pending in the court of learned District and Sessions Judge-cum-Special Judge, Phulbani for the alleged commission of the offence under Section 20(b)(ii)(C) of NDPS Act.

4. It is alleged that in course of raid on the house of Binje Kanhar, contraband ganja weighing 2020 kgs was recovered. It is stated that several other persons were present at the spot, on seeing Police they fled away except the said Binje Kanhar and one Badga Digal. During interrogation both of them disclosed the name of the Petitioner and other persons as being involved in the alleged occurrence. It is submitted by the learned counsel for the Petitioner that nothing was seized from the exclusive possession of the Petitioner and that only the basis of his implication is the statement of the co-accused, which is inadmissible evidence.

5. Considering the submissions as above, the materials on record, the period of detention in custody and keeping in view the law laid down by the Apex Court in the case of in the case of ***Tofan Singh v. State of Tamil Nadu***; reported in (2020) 80 OCR (SC)-641, I am inclined to allow the prayer for bail.

6. 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 personally before the court below on each date of posting of the case and in case of even a single default, necessary orders shall be passed by the court 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

