

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.718 of 2022

Debadatta Das and another

....

Petitioners

Mr. B.K.Nayak
Advocate

-versus-

State of Odisha

....

Opposite Party

Mr.P.K.Maharaj,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

08.7.2022.

Order No.

03.

1. This matter is taken up through hybrid mode.
2. Learned counsel for the Petitioners has filed the certified copy of the surrender certificate in Court today indicating that the Petitioner has surrendered to custody on 27th June, 2022. The certified copy of the surrender certificate be kept on record.
3. Heard learned counsel for the Petitioners and learned Addl. Standing Counsel for the State.
4. The Petitioners are in custody since 16th December, 2021 in connection with Balliguda P.S. Case No.273/2021 corresponding to C.T. Case No.97/2021 pending in the court of learned Special Judge-cum-Addl. District and Sessions Judge,

Balliguda for the alleged commission of the offence under Sections 20(b)(ii)(C)/29 of N.D.P.S. Act.

5. The allegation is that two vehicles, one Maruti Desire Car and another TATA Indigo Car were apprehended by Balliguda Police and on search, 54 Kg. 500 Gms. of Ganja was found in the TATA Indigo Car. It is alleged that the other Car was escorting the TATA Indigo Car and there were four persons including the present Petitioners. It is not forthcoming from the F.I.R. as to who were the occupants of which Car. There is no specific material to show that the present Petitioners were occupant of the Car in which the contraband was supposedly found. In such view of the matter, it is difficult to prima facie, accept the prosecution allegation that the Ganja was recovered from the conscious possession of the present Petitioners.

6. Having regarding the above facts and the period of detention in custody, I am inclined to allow the prayer for bail. Let the Petitioners 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 they shall appear before the trial court below on each date of posting of the case without fail, they shall appear before the I.I.C. of Balliguda P.S. once every fortnight for a period of six months and such fact shall be certified by the I.I.C. to the concerned court once in a month.

7. The BLAPL is disposed of.

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

AKB

(Sashikanta Mishra)
Judge

