

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.796 of 2022

Rakesh Das

.... ***Petitioner***

Mr.A.K.Jena,
Advocate

-versus-

State of Odisha

.... ***Opposite Party***

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

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

03.02.2022.

Order No.

01.

1. This matter is taken up through virtual mode.
2. Heard Mr. Mr.A.K.Jena, learned counsel for the Petitioner and Mr. S.K.Mishra, learned Addl. Standing Counsel for the State.
3. The Petitioner is in custody since 13th January, 2022 in connection with Mathili P.S. Case No.87/2019 corresponding to T.R. Case No.54/2019(A) 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)/29 of the N.D.P.S. Act.

4. It is alleged that the Petitioner and another person were escorting a Honda City Car which contained ganja. The driver of the said Honda City car confessed before Police regarding involvement of the present Petitioner and another person in the occurrence. Charge sheet was submitted showing the Petitioner as an absconder while trial continued in respect of the main accused persons namely, Biswajit Gain and Paran Mandal. As it appears, the said accused persons have, in the mean time, been acquitted of the charges vide judgment dated 11th February, 2021 passed by learned Sessions Judge-cum-Special Judge, Malkangiri in T..R. No.54/2019.

5. Having regard to the above facts and in particular the fact that there is no allegation of seizure of the contraband from the exclusive and conscious possession of the Petitioner coupled with the fact that the persons from whom seizure was said to have been made have been acquitted in the mean time, I find no justified reason to detain the present Petitioner in custody any longer. Hence, even though the seized contraband is more than commercial quantity, having regard to the peculiar facts and circumstances of the case, 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 personally appear before the court below on each date of

posting of the case, failing which appropriate warrant shall be issued to take him to custody.

7. The BLAPL is disposed of.

8. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High court's website, at par with certified copy, subject to attestation by the concerned Advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020, modified by Notice No.4798, dated 15th April, 2021 and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

AKB

(Sashikanta Mishra)
Judge

