

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.840 of 2022

Gobinda Hial

....

Petitioner

Mr. T.K. Mishra, Advocate

-versus-

State of Orissa

....

Opposite Party

Mr. D.R. Parida, A.S.C.

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

04.02.2022

Order No.

01.

1. This matter is taken up through video conferencing.
2. This is an application under Sec.439 Cr.P.C. for bail and the offence alleged is under Sec.20(b)(ii)(C) of the NDPS Act for alleged possession of contraband ganja weighing 21 kg. 700 grams.
3. Heard Mr. T.K. Mishra, learned counsel for the Petitioner as well as Mr. D.R. Parida, learned A.S.C. for the State-Opposite Party.
4. It is submitted that the Petitioner is inside custody since 27.9.2021 and he has been implicated on the basis of the statement of the co-accused from whose possession contraband was seized. It is further submitted that this Petitioner has no criminal antecedent and except the statement of the co-accused, no material is there to implicate him in the offence.

5. Upon hearing learned A.S.C. for the State-Opposite Party and considering the fact that, neither the Petitioner was present at the spot of detection/seizure nor anything was recovered from his possession, there appears reasonable ground to prima facie believe innocence of the Petitioner. Accordingly, it is directed to release the Petitioner on bail in connection with Rayagada P.S. Case No.208/2021 corresponding to T.R. Case No.25/2021 on such terms and conditions to be fixed by the learned Sessions Judge-cum-Special Judge, Rayagada as he deems just and proper including the condition that the Petitioner shall not be involved in any other offence while on bail.

6. The BLAPL is accordingly disposed of.

7. 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 as modified by Court's Notice No.4798, dated 15th April, 2021 and Court's Office Order circulated vide Memo No.514, dated 7th January, 2022.

(B.P. Routray)
Judge