

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 1129 of 2022

Sk sanu@Sk. Allauddin

....

Petitioner

Mr. D.D. Nayak, Sr. Advocate

-Versus -

State of Orissa

....

Opposite Parties

*Mr. S.K. Mishra,
ASC*

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

15.02.2023

Order No.

1.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned for the State.
3. The petitioner is in custody since 18.08.2021 in connection with Laxmisagar P.S. Case No. 264 of 2021 corresponding to T.R. Case No. 369 of 2021 pending in the court of learned Addl. Sessions Judge-cum-Special Judge, Bhubaneswar for the alleged commission of offence under Sections 21(C)/29 of NDPS Act.
4. The prosecution case is that the petitioner and one Abhinash Lenka were caught red handed while they were in possession of contraband brown sugar weighing 270 grams. On personal search the contraband was found to in the possession of co-accused, Abhinash Lenka while some cash was recovered from the present petitioner. There is no material to show as to if the petitioner had any nexus with the said Abhinash Lenka.
5. It is submitted by Mr. D. D. Nayak, learned Senior Counsel that the petitioner was implicated only because of his presence near

the spot at the relevant time and in any case, nothing having been recovered from his conscious and exclusive possession, the case against him cannot stand.

6. Considering the submissions as above, the materials on record, the period of detention in custody and the fact that nothing was seized from the possession of the petitioner, I am inclined to allow the prayer for bail.

7. Let the petitioner be released on bail on such terms and conditions as the court in seisin over the matter may deem fit and proper to impose including the following conditions:

i. He shall personally appear before the court below on each date of posting of the case and in case of even a single default, the Court shall pass necessary orders to take him to custody again.

ii. He shall appear before the IIC of Laxmisagar Police Station on every Sunday at 10.A.M. till conclusion of trial and such fact shall be certified by the IIC to the trial Court once in every month.

8. The BLAPL is accordingly disposed of.

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

(Sashikanta Mishra)
Judge