

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1265 of 2022

Pratap Beer @ Beera

....

Petitioner

Mr. A. Bhuyan
Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P. Tripathy
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER
30.8.2022.

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 17th November, 2021 in connection with Mohana P.S. Case No.222/2021 corresponding to G.R. Case No.115/2021 pending in the court of learned Special Judge, Gajapati, Parlakhemundi for the alleged commission of the offence under Sections 20 (b)(ii)(C)/25/29 of the NDPS Act read with Sections 468/471 of I.P.C.
4. It is alleged that the Petitioner was transporting contraband ganja weighing 91 kgs.700 when he was apprehended by

Police. It is submitted that the statutory formality relating to search and seizure has not been followed. Moreover the mode of weighing of the contraband article is also doubtful. It is further submitted that despite being in custody for more than 10 months, the trial is yet to commence.

5. Considering the submission as above, the bail application is disposed of by directing the court below to release the Petitioner on interim bail for a period of three months from the date of his actual release on such terms and conditions as may be fixed by the court in seisin over the matter in the aforesaid case including the condition that he shall not misuse the liberty granted to him.

6. After expiry of the aforesaid period of three months, the Petitioner shall surrender before the court in seisin over the matter, failing which appropriate warrant may be issued for his production.

7. The BLAPL is disposed of.

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

AKB

(Sashikanta Mishra)
Judge

