

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1281 of 2022

Hemankta Sharma @ Sanu

....

Petitioner

Mr. S.R.Mohapatra
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 25th July, 2021, in connection with Kesinga P.S. Case No.273/2021 corresponding to C.T Case No.42/2021(NDPS) pending in the court of learned Special Judge, Kalahandi-Bhawanipatna for the alleged commission of the offence under Sections 20(b)(ii)(C) of N.D.P.S. Act.

4. It is alleged that the Petitioner and another person were transporting contraband ganja weighing 48 kgs. 214 grams when they were apprehended by the Police. It is submitted that the statutory formality relating to search and seizure has not been followed. Moreover, the mode of weighment of the contraband article is also doubtful. It is further submitted that one of the accused person namely Ankur Divakar, who is said to be the owner of the vehicle, has been granted bail as per order passed by this Court in BLAPL No.3610/2022. The Petitioner was the driver of the said vehicle.

5. Considering the submissions as above, the materials on record and the period of detention in custody without trial and the fact that similarly placed co-accused has already been released on bail, I find no reason to deny such benefit to the petitioner. The Bail Application is therefore allowed. 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 appear before the trial court on each date of posting of the case. Further, he shall furnish cash security of Rs.40,000/-(Rupees Forty Thousand) in the shape of short term fixed deposit in any nationalised Bank being pledged to the court below. He shall not leave the territorial jurisdiction of the Court without obtaining leave. The court below shall insist upon two sureties for such amount as may be deemed fit and proper out of whom, one must be his blood relation and the other must belong to the

district of Kalahandi. He shall appear before the I.I.C. of Kesinga Police Station once in a month till conclusion of trial.

6. The BLAPL is disposed of.

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

AKB



(Sashikanta Mishra)
Judge