

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 1293 of 2022

Jaya Sahu

....

Petitioner

Mr. S.R. Mulia, Advocate

- Versus -

State of Odisha

.... **Opposite Party**

Mr. P. Tripathy, Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

22.06.2022

Order No.

1.

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 16.12.2021 in connection with Chhendipada P.S. Case No.128 of 2009 corresponding to Special (NDPS) Case No. 21(A) of 2009 pending in the Court of learned Special Judge, Angul for the alleged commission of offence under Sections 20(b)(ii)(C) of NDPS Act.
4. It is submitted that the petitioner was implicated entirely on the basis of the statement of the co-accused, namely, Laxman Sahoo. The said Laxman Sahoo having faced trial, has since been acquitted as per judgment passed by learned Judge, Special Court, Angul on 22nd July, 2011.
5. Having regard to the above fact as also taking note of the ratio laid down by the Supreme Court in the case of ***Tofan Singh vs. State of Tamil Nadu***, reported in (2020) 80 OCR (SC) 641 as also the period of detention of the petitioner in custody, I am inclined to allow the prayer for bail. 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 condition that he shall appear before the Court below on each date of posting of the case without fail.

6. BLAPL is accordingly disposed of.

7. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana

