IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1423 of 2022

Jotirmaya Harpal .... ***Petitioner***

Mr. L. Sahu
Advocate

-versus-

State of Odisha .... ***Opposite Party***

Mr.S.K.Mishra,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER
21.7.2022.

Order No.

01. 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 23rd December, 2021 in connection with Tusura P.S. Case No.184/2021 corresponding to G.R. Case No.140/2021 pending in the court of learned Sessions Judge, Balangir for the alleged commission of the offence under Section 20 (b) (ii) (C) of the NDPS Act.

4. It is alleged that the Petitioner and two other persons were carrying contraband ganja weighing 21 kgs. when they were apprehended by 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.

5. Considering the submissions made, the materials on record and 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 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 and in case of even a single default, necessary orders shall be passed by the court to take him to custody again.

6. The BLAPL is disposed of.

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

(Sashikanta Mishra)
Judge

AKB