

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.2142 of 2022

Manoj Bira

.... Petitioner

Mr. D.Panda
Advocate

-versus-

State of Odisha

.... Opposite Party

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

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

08.9.2022.

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 13th December, 2021 in connection with Adava P.S. Case No.88/2022 corresponding to G.R. Case No.85/2021 pending in the court of learned Special Judge, Gajapati for the alleged commission of the offence under Section 20 (b) (ii) (C)/25/29 of the NDPS Act.
4. The prosecution case is that six persons were loading contraband ganja packets in a Truck when they were

apprehended and one of them managed to escape from the spot. It is alleged that the person who fled away from the spot is the present Petitioner. It is submitted that nothing was seized from the possession of the Petitioner and his implication is only on the basis of the statement of the co-accused. Referring to the F.I.R., it is further submitted that there were no independent witnesses to the alleged seizure of the contraband.

5. Considering the above facts and particularly the fact that nothing was seized from the exclusive and conscious possession of the Petitioner and he appears to have been implicated on the basis of the statement of the co-accused, I am inclined to allow the prayer for bail.

6. 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.

7. The BLAPL is disposed of.

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

AKB

(Sashikanta Mishra)
Judge

