

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 2359 of 2022

Kartika Sabar

.... **Petitioner**

Mr. D. Panda, Advocate

- Versus -

State of Odisha

.... **Opposite Party**

Mr. D. Biswal, Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

21.06.2022

Order No.

3.

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 26.01.2022 in connection with Badagada P.S. Case No.39 of 2022 corresponding to G.R. Case No.7 of 2022 pending in the Court of learned Addl. Sessions Judge-cum-Special Judge, Bhanjanagar for the alleged commission of offence under Sections 20(b)(ii)(C)/29 of NDPS Act.
4. It is alleged that the petitioner and another person were came on a motorcycle when they were apprehended by the staff of Badagada Police Station in the district of Ganjam. Subsequently, a Bajaj Maxima Auto, which was coming from Mohana side was also stopped. The contraband ganja weighing 150 Kg in six plastic gunny bags was found in the said auto rickshaw, which was seized. Three persons were travelling in the said Auto, all of whom were nabbed by the police. In so far as the present petitioner is concerned, even as per the FIR, nothing was seized from his exclusive and conscious

possession. Though it is observed by learned Court below in the order of rejection that the petitioner along with others were transporting the ganja, yet the materials on record do not support such observation.

5. Considering the submissions, the materials on record and the period of detention 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 personally appear before the Court in seisin over the matter on each date of posting of the case and in case of even a single default necessary orders shall be passed by the Court below to take him to custody again.

6. BLAPL is accordingly disposed of.

7. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana

