

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 2713 of 2022

Madan Naik

....

Petitioner

Mr. T.P. Mohapatra, Advocate

- Versus -

State of Odisha

....

Opposite Party

Mr. P. Tripathy, Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

18.04.2022

Order No.

1.

1. This matter is taken up through hybrid mode.
2. Learned counsel for the petitioner is permitted to correct the typographical error in the cause title of the bail application in course of the day.
3. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
4. The petitioner is in custody since 19.12.2021 in connection with Koksara P.S. Case No.263 of 2021 corresponding to C.T. No.07 of 2021 pending in the Court of learned Addl. Sessions Judge-cum-Special Judge, Dharamgarh for the alleged commission of offence under Section 20(b)(ii)(C) of NDPS Act.
5. From the FIR, copy of which has been enclosed to the bail application, it reveals that on receiving reliable information regarding presence of some contraband articles in a cultivated land near village Tendapali, the staff of Koksara Police Station proceeded to the spot and found four bags of ganja being kept on the land. Since there was no one present at the spot, the FIR was drawn up against unknown persons. On weighment, the total quantity of ganja was found to be 97 kg 380 grams. Subsequently, the petitioner was arrested.

6. It is submitted that there is no material whatsoever to link the petitioner with the alleged occurrence and that he has been arrested only on suspicion.

7. After going through the materials on record, this Court finds considerable force in such submission that while admittedly nothing was seized from the exclusive and conscious possession of the petitioner, there is no other material to even remotely link the petitioner with the alleged occurrence. Having regard to the above facts, 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 trial Court on each date of posting of the case without fail.

8. BLAPL is accordingly disposed of.

9. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana

