

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.2744 of 2022

Gangadhar Behera

....

Petitioner

Mr. A. Das,
Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K.Maharaj,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER
18.4.2022.

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 9th February, 2022 in connection with Daspalla P.S. Case No.36/2022 corresponding to Spl.G.R. Case No.16/2022 pending in the court of learned Sessions Judge-cum-Special Judge, Nayagarh for the alleged commission of the offence under Sections 20 (b)(ii)(C) of the N.D.P.S. Act.

4. The prosecution allegation is that on 9th February, 2022 while the staff of Daspalla P.S. were performing patrolling duty, they searched two vehicles coming from Banigochha side and on seeing the Police personnel, the drivers turned their vehicles and started moving with a high speed and on suspicion both cars were detained. The Petitioner was one of the occupants in Toyota Etios bearing Regn. No.0D-02-K-9320 from which 40 kgs. 500 grams of ganja was recovered. In so far as the other vehicle is concerned, ganja weighing more than 40 kgs. was also recovered. There is, however, no material to show that the occupants of both the vehicles were connected to each other or were carrying contraband articles conjointly. That apart, there is doubt relating to the method adopted by the Police personnel for weighment of the seized contraband as well as in marking them separately as exhibits.

5. Considering the above and the materials on record, 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 personally before the court below on each date of posting of the case and in case of even a single default, necessary orders shall be passed by the said 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.

AKB

(Sashikanta Mishra)
Judge

