

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 2826 of 2022

Brahmananda Digal

....

Petitioner

Mr. S.K. Dwibedi, Advocate

- Versus -

State of Odisha

....

Opposite Party

Mr. P. Tripathy, Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

20.04.2022

Order No.

1.

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 04.02.2022 in connection with Balliguda P.S. Case No.45 of 2022 corresponding to C.T. Case No.10 of 2022 pending in the Court of learned Special Judge, Balliguda for the alleged commission of offence under Section 20(b)(ii)(C) of NDPS Act.
4. Though it is alleged that the petitioner was apprehended while he was in possession of contraband ganja, weighing 50 kg 250 grams, yet, as submitted by learned counsel for the petitioner, there seems to be an unexplained time gap between the detection of the offence and so called seizure of the contraband article. While the offence was detected at 10 a.m., seizure was made at 3.30 p.m., which raises a doubt regarding veracity of the prosecution case.
5. Considering the above fact, 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 furnish a cash security of 25,000/-. Further, he shall appear before the Court below on each of the posting of the case, failing which necessary orders shall be passed to take him to custody again by the Court below.

6. BLAPL is accordingly disposed of.

7. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana

