

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 2822 OF 2021

Biswanath Sahu

..... *Petitioner*
Mr. S.G. Das, Adv.

-versus-

State of Odisha

..... *Opposite Party*
Mr. K.K. Gaya, ASC

CORAM:
JUSTICE V. NARASINGH

ORDER
30.03.2022

Order No.
05.

1. This matter is taken up through Hybrid Mode.
2. The petitioner is an accused in connection with G.R. Case No.15 of 2020 (N) corresponding to Aska P.S. Case No. 530 of 2020, pending on the file of the learned Additional Sessions Judge-cum-Special Judge, Aska for the alleged commission of offence under Sections-20(b)(ii)(C) of the NDPS Act and the petitioner is in custody since 12.10.2020.
3. Being aggrieved by the rejection of his application for bail U/s. 439 Cr.P.C. by the learned Additional Sessions Judge-cum-Special Judge, Aska by Order dtd. 22.03.2021 in G.R. Case No. 15 of 2020(N), the present BLAPL has been filed.

4. Heard learned Counsel for the petitioner and learned Additional Standing Counsel for the State.

5. The allegation of the prosecution is that while the police officials were on patrolling duty near Aska bus stand, they found six persons sitting on the cement chair of the bus stand suspiciously. Six number of plastic gunny bags were kept near them and acute smell of 'Ganja' was emitting from the bags. On being asked, they disclosed their names and admitted that those bags belonged to them and they were transporting the same to Bhubaneswar for selling without any authorization. The contraband 'Ganja' weighing 22 Kg.200 gms has been recovered from the possession of the petitioner.

6. Learned counsel for the petitioner submits that the contraband 'Ganja' has not been recovered from the conscious possession of the petitioner. He further submitted that there were six number of bags and baggage. The petitioner was sitting on a cement chair at the bus stand and the bags were in the possession of other people. The raiding team has failed to recover anything from the petitioner and there is no specific allegation against the petitioner. Learned counsel for the petitioner submits that the petitioner does not have any Criminal Antecedents. The petitioner has been in custody since 12.10.2020.

7. Learned counsel for the State vehemently opposed the bail prayer of the petitioner. He further submitted that the present

petitioner along with other co-accused were connivingly smuggling the contraband 'Ganja'.

8. Considering the submissions made, facts and circumstances of the case, it is directed that the petitioner be released on bail with some stringent terms and conditions as deemed just and proper by the Court in seisin of the matter in the aforesaid case with further conditions that:-

- i. the petitioner shall appear before the learned trial court on each date of posting of the case;
- ii. he shall not indulge in similar activities in future and,
- iii. he shall not tamper the evidence of the prosecution witnesses in any manner.

9. Violation of any of the conditions shall entail cancellation of the bail.

10. The BLAPL thus stands disposed of.

11. Urgent certified copy of this order be granted as per rule.

Balaram

*(V.Narasingh)
Judge*