

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3656 of 2022

Dhanapati @ Ganapati Lohara @ Petitioner
Lahara

Mr. P.K.Sahoo
Advocate

State of Odisha Opposite Party
Mr.P. Tripathy,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER
15.9.2022.

Order No.

03. 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 12th January, 2022 in connection with Orkel P.S. Case No.10/2022 corresponding to G.R. Case No.9/2022 pending in the court of learned Sessions Judge-cum-Special Judge, Malkangiri for the alleged commission of the offence under Section 20 (b) (ii) (C)/27 of the NDPS Act.

4. Though the prosecution allegation is that as many as 13 persons were transporting contraband ganja weighing 267 kgs. 900 grams yet, from the F.I.R. it appears that in so far as the present Petitioner is concerned only 21 kgs. 600 grams of ganja was recovered from the container, which he was holding. It is further submitted that the statutory formality relating to search and seizure has not been followed. Moreover the mode of weighment of the contraband article is also doubtful.

5. Considering the submissions made, the materials on record and the period of detention of the Petitioner in custody, 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 before the trial court on each date of posting of the case and in case of even a single default, necessary orders shall be passed by the 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

