

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 3809 of 2022

Arnachalam

....

Petitioner

Mr. R.L. Pattnaik, Advocate

- Versus -

State of Odisha

.... **Opposite Party**

Mr. S.K.Mishra, Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

18.05.2022.

Order No.

02

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 14.04.2022 in connection with Podia P.S. Case No.30 of 2022 corresponding to Special G.R. Case No.59 of 2022 pending in the Court of learned Sessions Judge-cum-Special Judge, Malkangiri for the alleged commission of offence under Sections 20(b)(ii)(C)/25/29 of NDPS Act.
4. It is alleged that the petitioner along with others were transporting contraband ganja weighing 25 kgs when they were apprehended by police. It is submitted that the petitioner was though present at the spot, yet he had nothing to do with the contraband which was kept in a plastic bag on the road. The contraband was therefore not seized from the exclusive and conscious possession of the petitioner.
5. Having regard to the fact that there are prima facie doubts regarding seizure of the contraband from the exclusive possession of the petitioner as also the fact that similarly situated co-accused

person, namely, Rajesh Madkani has been granted bail by this Court as per order passed on 17.05.2022 in BLAPL No.3724 of 2022, as submitted by Mr. Pattnaik, learned counsel for the petitioner, 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 cash security of Rs.30,000/- (Rupees Thirty Thousand) and two local sureties , i.e., belonging to the district of Malkangiri and he shall not leave the territorial jurisdiction of the Court without obtaining the leave.

6. BLAPL is accordingly disposed of.
7. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. B
c

