

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4377 of 2022

Basant Samrath

....

Petitioner

Mr. D.Mohanty
Advocate

-versus-

State of Odisha

....

Opposite Party

Mr.S.K.Mishra
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

13.10.2022.

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 8th February, 2022 in connection with Jeypore Sadar P.S. Case No.42/2022 corresponding to T.R. Case No.7/2022 pending in the court of learned Special Judge-cum-Sessions Judge, Koraput for the alleged commission of the offence under Section 20 (b) (ii) (C)/29 of the NDPS Act.

4. It is alleged that the Petitioner was escorting an Ertiga Car by riding a motorcycle along with another persons. Admittedly, nothing was seized from the possession of the Petitioner or from the motor cycle. Approximately 181 kg of contraband ganja was seized from the said Ertiga Car. Though the prosecution claims that the Petitioner and another person were escorting the said vehicle by riding a motorcycle, there is no material prima facie, to show any such nexus between the Petitioner and the occupants of the vehicle in which the contraband was found.

5. Taking into account the above facts 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 c

(Sashikanta Mishra)
Judge

