

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 4963 of 2022

Saroj Kumar Nag @ Mitu

....

Petitioner

*Mr. Soubhagya Kumar
Dash,
Advocate*

-Versus -

State of Odisha

....

Opposite Party

*Mr. M. Mishra,
Additional Standing Counsel*

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

23.09.2022

Order No.

2.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
3. The petitioner is in custody since 26.04.2021 in connection with Gunupur P.S. Case No. 66 of 2022 corresponding to T.R. Case No. 59 of 2022 pending in the court of learned Addl. Sessions Judge-cum-Special Judge, Gunupur for the alleged commission of offence under Sections 20(b)(ii)(C)/25/27/(a)/29 of NDPS Act.
4. The petitioner has been apprehended on the basis of the statement of one Sunil Kumar Gouda who was arrested at the spot while in possession of contraband ganja weighing 1228 kgs 500 grams, nothing was seized from the conscious possession of the petitioner. There is no material on record to show that he was

present at the spot, save and except the statement of the co-accused. There is no independent material showing his complicity in the occurrence. The bail application is therefore allowed.

5. 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 conditions:-

- (i) The petitioner shall be released on furnishing cash security of Rs.1 lakh.
- (ii) He shall appear before the IIC of Gunupur police station on every Sunday at 10.00 a.m. till conclusion of trial and such fact shall be certified by the IIC to concerned court once in a month.

6. The BLAPL is accordingly disposed of.

7. Urgent certified copy of this order be granted on proper application.

(Sashikanta Mishra)
Judge

