

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 5122 of 2022

Babula @ Suresh Kumar Sahu		Petitioner Mr. S. Dash, Advocate
- Versus -		
State of Odisha		Opposite Party Mr. P. Tripathy, Addl. Standing Counsel

**CORAM:
JUSTICE SASHIKANTA MISHRA**

**ORDER
21.06.2022**

Order No.
1.

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 in connection with Jeypore Sadar P.S. Case No.95 of 2022 corresponding to T.R. Case No.14 of 2022 pending in the Court of learned Special Judge, Jeypore for the alleged commission of offence under Sections 20(b)(ii)(C)/29 of NDPS Act.
4. It is alleged that three persons, namely, Surendra Khilo, Sisupal Hantal and Jayasen Sisa were transporting contraband Ganja weighing 181 Kg 700 Grams when they were apprehended. In course of their interrogation they are said to have disclosed the name of the present petitioner and another person to the effect that they were in contact with these persons. There is no other evidence to show the complicity of the petitioner in the alleged occurrence save and except the so called confessional statement of the co-accused. Even otherwise, the so called confessional statement does not reveal the manner in which the petitioner is said to be involved in the

alleged occurrence.

5. Considering the above fact and having due regard to the ratio laid down in the case of *Tofan Singh vs. State of Tamil Nadu*, reported in (2020) 80 OCR (SC) 641, 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 personally 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 in seisin over the matter to take him to custody again.

6. BLAPL is accordingly disposed of.

7. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana

