

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 5132 of 2022

Narayan Bhumiya

....

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 since 09.03.2022 in connection with Jeypore Sadar P.S. Case No.85 of 2015 corresponding to T.R. Case No.11 (A) of 2015 pending in the Court of learned Addl. District Judge, Jeypore for the alleged commission of offence under Section 20(b)(ii)(C) of NDPS Act.
4. As it appears, no contraband was seized from the exclusive and conscious possession of the petitioner, but he is said to have escorted five persons, who were transporting the contraband. Such fact also came to light only on the basis of the confessional statement of the co-accused persons. As regards the principal accused persons, all of them have been acquitted in the original trial by the learned Additional Sessions Judge, Jeypore in T.R. No. 11 of 2015(T) vide judgment dated 10th May, 2016.

5. In such view of the matter and having regard to the law laid down by the Supreme Court 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 without fail.
6. BLAPL is accordingly disposed of.
7. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana

