

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 5249 of 2022

Raju @ Debaraj Khilla

....

Petitioner

Mr. A.N. Pattanayak, Advocate

- Versus -

State of Odisha

....

Opposite Party

Mr. P. Tripathy, Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

22.06.2022

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 02.07.2021 in connection with Semilliguda P.S. Case No.66 of 2020 corresponding to T.R. Case No.43 of 2020 pending in the Court of learned Addl. Sessions Judge-cum-Special Judge, Koraput for the alleged commission of offence under Sections 20(b)(ii)(C) of NDPS Act.
4. It is alleged that the petitioner along with nine other persons were carrying contraband ganja in a Max Pickup vehicle with intent to handover the same to another vehicle parked on the road. At that time police having received reliable information stopped the vehicle, but all the occupants of the vehicles fled away from the spot. The petitioner was remanded in this case when he was in custody in connection with another case. Such remand appears to have been made on the basis of the statement of the co-accused Raj @ Shivraj Duria and Shankar Bahadur. No other material is available to show his

complicity in the alleged occurrence.

5. It is submitted that two other co-accused persons, namely, Rinku Chetty and Anil Duria have been released on bail as per orders passed by this Court in BLAPL No. 6001 of 2020 and BLAPL No. 7336 of 2021 respectively. As it appears, the petitioner stands on the same footing as the co-accused persons, who have been granted bail.

6. Having regard to the above fact, the materials on record and the period of detention in custody without commencement of trial, 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 and in case of even a single default, the Court below shall pass appropriate orders to take him to custody again. Further he shall appear before the IIC of Semiliguda Police Station on every Monday at 10 a.m. for a period of six months and such fact shall be certified by the IIC to the Court below once in a month.

7. BLAPL is accordingly disposed of.

8. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge