

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5288 of 2022

Jogendra Patra @ Jogindra

....

Petitioner

Mr. M.K.Chand
Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Sitikanta Mishra
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER
15.7.2022.

Order No.

- 04.
1. This matter is taken up through hybrid mode.
 2. Pursuant to order dated 12th July, 2022, Mr.Suresh Ch. Panda, Tahasildar-cum-Executive Magistrate, Chilika, is present in Court today along with the record in Misc. Case No.89/1992, which he has received from the court of learned Addl. Sessions Judge, Khurda.
 3. Heard learned counsel for the Petitioner and learned Addl. Standing Counsel for the State.
 4. The Petitioner was arrested on the basis of warrant of arrest issued by learned Judge, Special Court (NDPS) Act, Pachima

Medinapur, West Bengal and produced before the Tahasildar-cum-Executive Magistrate, Chilika in Crl. Misc. Case No.89/2022 on 23rd May, 2022. His application for bail being rejected on the same day, he moved the court of Session for bail, which was heard by learned 1st Addl. Sessions Judge, Khurda. His prayer for bail was also rejected by learned 1st Addl. Sessions Judge, Khurda by order dated 1st June, 2022.

5. The Petitioner is in custody since 1st June, 2022 in connection with Dantam P.S. Case No.454/2019 corresponding to Crl. Misc. Case No.89/2022 pending in the court of learned Executive Magistrate, Chilika, for the alleged commission of the offence under Sections 20(b)(ii)(C)/29 of the N.D.P.S. Act.

6. It is submitted that the substance of allegation has not been mentioned in the warrant for which it is not possible for either the accused or the court to know as to on what charge the Petitioner is required to be arrested. It is further submitted that the Petitioner is a permanent resident of Badakula under Balugaon P.S. and is ready and willing to appear before the court within a reasonable period of time.

7. A perusal of the record reveals that except for stating that the Petitioner stands charged with the offence under Section 20(ii)(C)/29 of N.D.P.S. Act, no further information has been mentioned in the warrant or in any other manner.

8. Considering the submissions as above, the materials on record and taking into account 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 for a period of three weeks so as to enable him to appear before the Court of Judge, Special Court (N.D.P.S. Act), Pachima Medinapur, West Bengal on such terms and conditions as may be imposed by the learned Executive Magistrate (Tahadildar), Chilika including the condition that he shall furnish cash security of Rs.20,000/- (Rupees Twenty Thousand), which shall be refunded to him upon submission of proof of appearance before the Court at Pachima Medinapur, West Bengal.

9. The personal appearance of Tahasildar-cum-Executive Magistrate, Chilika is dispensed with.

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

AKB

(Sashikanta Mishra)
Judge