

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No. 5291 of 2022**

***Khirod Tandi @ Kshirod***

....

***Petitioner***

*Mr. Anirudha Das,  
Advocate*

*-Versus -*

***State of Odisha***

....

***Opposite Party***

*Mr. S.K. Mishra,  
Additional Standing Counsel*

**CORAM:**

**JUSTICE SASHIKANTA MISHRA**

**ORDER**

**24.09.2022**

**Order No.**

**3.**

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 19th April, 2022 in connection with Kesinga P.S. Case No. 170 of 2022 corresponding to C.T. Case No.25 of 2022(NDPS) pending in the court of learned Sessions Judge-cum-Special Judge, Bhawanipatna for the alleged commission of the offence under Section 20 (b) (ii) (C) of the NDPS Act.
4. It is alleged that the Petitioner was apprehended on the allegation of possession of contraband ganja weighing more than commercial quantity. The F.I.R. reveals that one Kartik Mahata was detained while transporting ganja in a motor cycle along with another person, who managed to escape of seeing Police. On the

next day morning the Petitioner was found moving near the spot and was apprehended on suspicion. Thereafter basing on his own confessional statement, he was taken to custody. Apart from the above, there is no other material to show that the contraband was seized from the exclusive and conscious possession of the Petitioner.

5. Having regard to the above facts, I am inclined to allow the prayer for bail. Let the Petitioner be released on bail on such terms and conditions as may be imposed by the court in seisin over the matter in the aforesaid case including the condition that he shall 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 to take him to custody again.

6. The BLAPL is disposed of.

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

*B.C. Tudu*

*(Sashikanta Mishra)*  
*Judge*