

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5341 of 2022

Raju @ Debaraj Khilla

.... Petitioner

Mr. A.N.Pattnayak
Advocate

-versus-

State of Odisha

.... Opposite Party

Mr.Sitikanta Mishra,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

27.6.2022.

Order No.

01. 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 10th November, 2022 in connection with Pottangi P.S. Case No.26/2020 corresponding to T.R. Case No.21/2020 pending in the court of learned Addl. Sessions Judge-cum-Special Judge, Koraput for the alleged commission of the offence under Section 20 (b)(ii) (C) of NDPS Act.

4. It is alleged that a group of persons were transporting contraband ganja weighing 357 kgs. 425 grams in a tanker, but on seeing the Police the occupants of the tanker and the bolero vehicle accompanying it fled away into the jungle. No one was apprehended at the spot, but from search of the vehicle the particulars of the occupants could be known. It is submitted that there is no proof of the Petitioner being present at the spot at the relevant time. The Petitioner was in custody in connection with another case and he was remanded in the present case after more than a year of lodging of the F.I.R. Even in the preliminary charge sheet submitted by the I.O., the name of the Petitioner does not find place. It is, therefore, submitted that the Petitioner has been implicated in the case entirely on suspicion and without any acceptable evidence.

5. Considering the submissions as above, the materials on record and 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 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 court below 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. Further, he shall also appear before the I.I.C. of Pottangi P.S. once in every fortnight for a period of six months and such fact shall be certified by the I.I.C. to the concerned Court once in a month.

6. The BLAPL is disposed of.

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

AKB

(Sashikanta Mishra)
Judge

