

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4441 of 2021

Babu Rao Khilla

....

Petitioner

Mr. M. Padhy
Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P. Tripathy
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

20.7.2022.

Order No.

08.

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 11th March, 2021 in connection with Koraput Town P.S. Case No.74/2021 corresponding to T.R. Case No.31/2021 pending in the court of learned Addl. Sessions Judge-cum-Special Judge, Koraput for the alleged commission of the offence under Sections 20(b)(ii)(C)/25/29 of NDPS Act.

4. It is alleged that in course of raid conducted by staff of Koraput Town P.S., two vehicles that is, a truck with Bihar registration number and a Bolero, were detained. In so far as the Bolero is concerned, the Petitioner was one of the occupants therein. Total quantity of 60 kgs. 300 grams of contraband ganja was recovered from the Bolero. It is submitted that the statutory formality relating to search and seizure has not been followed. Moreover the mode of weighment of the contraband article is also doubtful.

5. Considering the submissions made, the materials on record and the period of detention of the Petitioner 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 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.

AKB

(Sashikanta Mishra)
Judge

