

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5440 of 2022

Abdul Rahil

.... Petitioner

Mr. Chhabi Behera
Advocate

-versus-

State of Odisha

.... Opposite Party

Mr.S.K.Mishra,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

29.9.2022.

Order No.

03.

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 22nd April, 2022 in connection with Mohana P.S. Case No.55/2022 corresponding to G.R. Case No.45/2022 pending in the court of learned Special Judge, Gajapati for the alleged commission of the offence under Section 20 (b) (ii) (C)/25/29 of the NDPS Act.

4. It is alleged that the Petitioner was transporting contraband ganja weighing 81 kgs. 100 grams in a Auto Rickshaw when he was apprehended by Police. 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. One of the co-accused persons has in the meantime granted bail as per order passed by this Court in BLAPL No.5853/2022. The Petitioner stands on the same footing.

5. Considering the above facts 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 personally 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

