

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

**BLAPL No.5524 of 2022**

***Samarkanti Nayak***

....

***Petitioner***

Mr. S.K.Nayak  
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 8th April, 2022 in connection with P.R. No.28/2022-23 corresponding to 2(a)C.C. No.17/2022 (N) pending in the court of learned Sessions Judge-cum-Special Judge, Ganjam for the alleged commission of the offence under Section 20 (b) (ii) (C) of the NDPS Act.

4. It is alleged that the Petitioner and another person were apprehended while they were in possession of contraband ganja weighing 54 kgs. 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, 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***