

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 5609 of 2022

Satyaban Nayak

.... Petitioner
Mr. B.P.Panda, Advocate

- Versus -

State of Odisha

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

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

05.07.2022

Order No.

1.

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 21.10.2021 in connection with Pattapur P.S. Case No.328 of 2021 corresponding to Special G.R. No.47 of 2021 pending in the Court of learned Special Judge-cum-Sessions Judge, Ganjam, Berhampur for the alleged commission of offence under Sections 20(b)(ii)(C) of NDPS Act.
4. The materials on record reveal that on 05.10.2021 there was an accident involving the vehicle belonging to S. Rabindra Dora. An FIR was lodged in connection with the said accident. On the next day, another FIR was lodged against the said S. Rabindra Dora alleging therein that the vehicle that had met with the accident was carrying contraband ganja of 432 Kgs 250 Grams.
5. It is submitted by learned counsel for the petitioner that nothing was seized from possession of the petitioner and that he was a passenger in the vehicle, but because of the accident he had left the spot. It is further submitted that he had no knowledge about the transportation of the contraband article in the vehicle in

question.

6. As it appears, the principal accused S. Rabindra Dora has been granted bail by this Court as per the order passed in BLAPL No. 2839 of 2022. This Court granted bail specifically observing that there was no mention of any contraband ganja in the FIR lodged in relation to the accident.

7. Considering the submissions as above, materials on record and the period of detention of the petitioner in custody and the fact that similarly placed co-accused has already been released on bail I find no reason to treat the petitioner differently than him. The bail application is therefore allowed. Let the petitioner be released on bail on such terms and conditions as the Court in seisin over the matter may deem fit and proper to impose including the condition that he shall furnish cash security of Rs.50,000/- (Rupees Fifty Thousand) in the shape of short term fixed deposit in any nationalized bank being pledged to the court below and he shall personally appear before the trial Court on each date of the posting of the case without fail.

8. BLAPL is accordingly disposed of.

9. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana