

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 5624 of 2022

M.D. Jahangir

.... **Petitioner**

Mr. T. Nanda, Advocate

- Versus -

State of Odisha

.... **Opposite Party**

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

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

06.07.2022

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 24.05.2022 in connection with Ambadola P.S. Case No.142 of 2021 corresponding to T.R. Case No.110 of 2021 of the Court of learned Addl. Sessions Judge-cum-Special Judge, Gunupur for the alleged commission of offence under Section 20(b)(ii)(C)/29 of N.D.P.S. Act.
4. It is submitted that the petitioner was apprehended entirely on the basis of the statement of the co-accused and nothing was recovered from his possession. It is further submitted that in the meantime charge sheet has been submitted against the other accused persons but not against the petitioner.
5. Perusal of the record reveals that contraband ganja weighing 84 Kg 990 grams was recovered from three persons, who confessed before police that they were about to deliver the same to the present petitioner.

6. Considering the submissions as above, the materials on record as also taking note of the ratio laid down by the Supreme Court in the case of *Tofan Singh vs. State of Tamil Nadu*, reported in (2020) 80 OCR (SC) 641, I am inclined to allow the prayer for bail. 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 personally appear before the trial Court on each date of posting of the case without fail.

7. BLAPL is accordingly disposed of.

8. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana

