

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5667 of 2022

Sankar Rauta

.... ***Petitioner***
Mr.A.S. Mishra, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Miss. Samapika Mishra, ASC

CORAM:
MR. JUSTICE D.DASH

ORDER
13.07.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This the second journey of this Petitioner, who is in custody in connection with Kodala P.S. Case No.222 of 2021 corresponding to Special G.R. Case No.10 of 2021(N) on the file of learned Addl. Sessions Judge-cum-Special Judge, Khallikote, running for alleged commission of offence under Section-20(b)(ii)(C) of the NDPS Act, in filing this application under Section-439 of the Cr.P.C. for his release on bail.
3. Learned counsel for the petitioner submits that as per the prosecution case the Petitioner was not present at the time of seizure of commercial quantity of contraband ganja and the accused Jayaram Nahak, who was found to be the driver of the said vehicle at the relevant time of interception has in the meantime been released on bail. It is submitted that the only

material against the Petitioner is the statement of Jayaram Nahak and other accused persons when the fact remains that no such report as to the involvement of this Petitioner in commission of similar offences is also coming. It is submitted that with such materials on record the Petitioner has remained in custody since 12.06.2021, and there also remains no scope on his part to flee from justice and tamper the evidence. In view of all these above, he urges for reconsideration for grant of bail to the Petitioner on such terms and conditions as deemed just and proper as according to him, in the fact and circumstances, the bar contained under section 37 of the NDPS Act, at this stage does not stand on the way.

4 Learned counsel for the State opposes the move in view of the quantity of contraband ganja involved in the case. She, however, does not dispute the position that accused Jayaram Nahak is now on bail and enjoying the liberty.

5. Considering the submissions made; further keeping in view the materials on records as those stand against the petitioner as also the quantity of seized contraband with other surrounding circumstances including the factum of release of co-accused person on bail and the period of detention of the petitioner in custody; in the absence of any such impediment; while being inclined to reconsider the prayer for grant of bail to the Petitioner in the aforesaid case, it is directed that the petitioner be released on bail in the aforesaid case on such terms and conditions as deemed just and proper by the court is

seisin of the case with further conditions that he will appear in person before the court in seisin of the case on each and every date of posting of the case till conclusion of the trial and will not indulge himself in commission of similarly activity.

Violation of any of the condition(s) shall entail cancellation of bail.

6. The BLAPL is accordingly disposed of.

Issue urgent certified copy as per rules.

(D.Dash)
Judge



Himansu