

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5708 of 2022

Rahel Digal and another

....

Petitioners

Mr. K.C.Tripathy
Advocate

-versus-

State of Odisha

....

Opposite Party

Mr.P.K.Maharaj,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

11.7.2022.

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the Petitioners and learned Addl. Standing Counsel for the State.
3. The Petitioners are in custody since 9th June, 2021 in connection with P.R. No.34/2022/23 corresponding to Special G.R. Case No.135/2022 pending in the court of learned Sessions Judge-cum-Special Judge, Balasore for the alleged commission of the offence under Section 20 (b) (ii) (C) of the NDPS Act.

4. It is alleged that the Petitioners were transporting contraband ganja weighing 21 kgs. when they were 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.

5. Considering the submissions made, the materials on record and the period of detention of the Petitioners in custody, I am inclined to allow the prayer for bail. Let the Petitioners 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 they 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 them 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