

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5715 of 2022

Sudhir Kumar

....

Petitioner

Mr. P.K.Nanda
Advocate

-versus-

State of Odisha

....

Opposite Party

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

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

29.8.2022.

Order No.

02.

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 25th March, 2022 in connection with Jeypore Sadar P.S. Case No.80/2022 corresponding to T.R. Case No.13/2022 pending in the court of learned Sessions Judge-cum-Special Judge, Koraput 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 some other persons were transporting contraband ganja weighing 30 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. It is further submitted that similarly placed co-accused persons have been granted bail as per orders passed by this Court in BLAPL Nos.6074/2022, 3676/22, 4512/22 and 4826/2022.

5. Considering the above facts 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. . Further, he shall furnish cash security of Rs.30,000/-(Rupees Thirty Thousand) in the shape of short term fixed deposit in any nationalised Bank being pledged to the court below. He shall not leave the territorial jurisdiction of the court below without obtaining leave. The court below shall insist upon two sureties for such amount as may be deemed fit and proper, out of whom, one must be his family member and the other must belong to the district of Koraput. He shall appear before the I.I.C. of Jeypore (Sadar) P.S. once every month till conclusion

of trial. Violation of any of the above conditions shall entail cancellation of the bail.

6. The BLAPL is disposed of.

7. Urgent certified copy of this order be granted on proper application.

AKB

(Sashikanta Mishra)
Judge

