

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 5965 of 2022

Ashok Behera

....

Petitioner

*Mr. N.C. Jena,
Advocate*

-Versus -

State of Odisha

....

Opposite Party

*Mr. M. Mishra,
Additional Standing Counsel*

CORAM:

JUSTICE SASHIKANTA MISHRA

**ORDER
13.10.2022**

**Order No.
2.**

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
3. The petitioner is in custody since 11.02.2022 in connection with Tusura P.S. Case No. 123 of 2020 corresponding to G.R. Case No. 79 of 2020 pending in the court of learned Sessions Judge, Balangir for the alleged commission of offence under Sections 20(b)(ii)(C) of NDPS Act.
4. It is alleged that the petitioner and another person were transporting contraband ganja weighing 40 kgs 450 grams. While the other occupant was arrested, the petitioner is said to have fled away from the spot and was apprehended after one year and five months of the alleged occurrence.
5. Considering the above facts and the absence of any

acceptable evidence to show that the contraband was seized from his exclusive and conscious possession of the spot, 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 the petitioner shall personally appear before the trial court on each date of posting of the case without fail.

6. The BLAPL is accordingly disposed of.

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

(Sashikanta Mishra)
Judge

