

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8104 of 2019

G. Jaga Rao

.... **Petitioner**

Mr. M. Padhee, Adv.

- Versus -

State of Odisha

.... **Opposite Parties**

Mr. P. Tripathy, Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

25.07.2022

Order No.
12.

1. This matter is taken up through hybrid mode.
2. As per copy of the surrender certificate filed in Court, the petitioner has surrendered in custody on 16.07.2022 after expiry of the period of interim bail. The same be kept on record.
3. The petitioner is in custody since 12.08.2019 in connection with Mathili P.S. Case No.120 of 2019 corresponding to T.R. Case No.96 of 2019 of the Court of learned Sessions Judge-cum-Special Judge, Malkangiri for the alleged commission of offence under Sections 20(b)(ii)(C) of NDPS Act, 1985.
4. It is alleged that the petitioner was transporting contraband ganja weighing 86 Kg 850 grams in a car when he was apprehended by police.
5. 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 in the meantime as many as six witnesses have been examined in the ongoing trial. Four witnesses, who are independent witnesses, have not supported the case of the prosecution. Only two witnesses have proved the seizure list. There is hardly any possibility of conclusion of trial in near future. The petitioner has

been in custody for nearly three years.

6. Taking into account all the above facts, particularly 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 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 and in case of even a single default, this order shall be treated as automatically cancelled and necessary orders shall be passed by the Court below to take him to custody again.

7. BLAPL is accordingly disposed of.

8. Issue urgent certified copy as per rules.

A.K. Rana



(Sashikanta Mishra)
Judge