

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8268 of 2022

Harshit Dhali @ Sibuh Dhali @ Harakshit Dhali ***Petitioner***

Mr. J.K. Panda, Advocate

-versus-

State of Odisha ***Opposite Party***

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
31.10.2022

Order No.

- 02.
1. This matter is taken up through hybrid mode.
 2. Heard learned counsel for the Petitioner and learned counsel for the State.
 3. The Petitioner is an accused in connection with T.R Case No.53(A) of 2020 arising out of Orkel P.S. Case No.91 of 2020, pending on the file of the learned Sessions Judge-cum-Special Judge, Malkangiri for the alleged commission of offence under Sections 20(b)(ii)/C/27-A/29 of the N.D.P.S Act.
 4. Being aggrieved by the rejection of his application for bail U/s. 439 Cr.P.C. by the Sessions Judge-cum-Special Judge, Malkangiri by order dated 23.08.2022, the present BLAPL has been filed.
 5. Learned counsel for the Petitioner submits that the petitioner is in judicial custody since 19.08.2022 and three persons were carrying contraband ganja of commercial quantity in a vehicle

when the vehicle was intercepted and those three persons were Chaitnya Madhi, who was the driver of the vehicle and the occupants were Ajit Sarkar and Naren Sarkar and basing on the confessional statement of those co-accused persons before the police, the petitioner has been entangled in the case or commission of offence under sections 27-A and 29 of the N.D.P.S. Act. He further submitted that there is absolutely no material on record to make out such offences against the petitioner except the confessional statement of the co-accused persons before police and there is no criminal antecedent against the petitioner and therefore, the bail application of the petitioner may be favourably considered. It is further submitted by the learned counsel for the Petitioner that the Petitioner is the similarly circumstanced with one ajaya Mandal who has since been released on bail by order dated 02.02.2021 in BLAPL No.4018 of 2022.

6. Learned counsel for the State on verification of the case diary fairly submits that except the confessional statement of the co-accused persons before police, there is no other material against the petitioner and the petitioner has no criminal antecedent.

7. Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioner, the fact that only material available against the petitioner is the confessional statement of the co-accused persons before police, taking into account the period of detention of the petitioner in judicial custody and keeping in view the provision under section 37 of the N.D.P.S. Act, this Court directs the Petitioner to be released on bail on such terms to be fixed by the learned court in seisin over the matter.

8. The BLAPL thus stands disposed of.
9. Urgent certified copy of this order be granted as per rules.

(V. NARASINGH)
Judge

PKS

