

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No. 8294 of 2022

Kuti @ SK. Kurban

....

Petitioner

Mr. Asit Kumar Jena, Adv.

-versus-

State of Odisha

....

Opp. Party

Mr. D. Mund, AGA

CORAM:
DR. JUSTICE S.K. PANIGRAHI

Order
No.

ORDER
19.09.2022

02. 1.This matter is taken up through hybrid mode.
2. Heard learned counsel for the parties.
3. The petitioner being in custody in STF PS, Bhubaneswar Case No. 16 of 2020 corresponding to Special Case No. 107 of 2020, pending in the court of the learned 3rd Additional Sessions Judge, Balasore, registered for the alleged commission of offence under Sections 21(C) & 29 of the NDPS Act, has filed this petition for his release on bail.
4. The allegation surfaced against the petitioner was that on 18.03.2020 at about 4:30 PM, the informant, who was

the Inspector of Police, STF, Bhubaneswar along with his staff, acting on a tip-off concerning illegal trading of narcotic drugs at Kalyani near Nilgiri PS area, conducted raid and nabbed two accused persons namely Lokanath Behera @ Lucky and Pradeep Kumar Das @ Lipu at the spot during transaction of contraband article. The present accused and two others escaped from the spot. The complainant explained the accused persons as to the ground of their detention and thereafter, search, recovery and seizure were made by the complainant by following the mandatory provision of the NDPS Act. Upon search, contraband Brown Sugar weighing 2.737 Kg (including polythene packet) alleged to have been recovered from the conscious and exclusive possession of the accused persons.

5. Learned counsel for the State vehemently opposed the bail prayer of the petitioner.

6. Considering the nature and gravity of the accusation, character of evidence appearing against the Petitioner, the stringent punishment provided and that there are reasonable grounds for believing that the Petitioner is not guilty of the offence alleged or not likely to commit any such offence, which is not possible to record in this case,

the prayer for bail is devoid of merit. Hence, the prayer for bail stands rejected.

7. Accordingly, the BLAPL is rejected.

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

SD



(Dr. S.K. Panigrahi)
Judge