

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7398 of 2021

Sk.Mohatab Ali

....

Petitioner

Mr. Dr.Sujata Dash
Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. S.K.Mishra
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

27.7.2022.

Order No.

- 07.
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 5th June, 2021 in connection with STF (CID-CB), Odisha, Bhubaneswar P.S. Case No.21/2020 corresponding to G.R. Case No.48/2020 pending in the court of learned District and Sessions Judge-cum-Special Judge, Mayurbhanj for the alleged commission of the offence under Sections 21(C)/29 of NDPS Act.

4. As per the prosecution case two persons were going on a motor cycle carrying contraband brown sugar when they were apprehended. One of them managed to escape while the other was apprehended. The person who was apprehended namely, Sk. Asiq, while in custody disclosed the identity of the other person as Sk. Mohatab Ali (Petitioner). As such nothing was seized from the exclusive and conscious possession of the Petitioner and he has been implicated on the statement of the co-accused.

5. Learned State counsel has opposed the prayer for bail by submitting that the Petitioner has some criminal antecedents including one case involved offence under the NDPS Act.

6. Considering the submissions as above, materials on record, period of detention in custody and the fact that nothing was seized from the possession of the Petitioner, 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 personally before the court below on each date of posting of the case without fail and in case of non-appearance, this order shall be treated as automatically cancelled and necessary orders shall be passed by the court below to take him to custody again. Further, he shall appear before the I.I.C. of Town P.S., Baripada on every alternate day

for a period of one year or till conclusion of the trial which ever is earlier.

7. The BLAPL is disposed of.

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

AKB

(Sashikanta Mishra)
Judge

