

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8472 of 2022

N. Bhikari Patra

.... Petitioner

Mr. B.R.Das
Advocate

-versus-

State of Odisha

.... Opposite Party

Mr.S.K.Mishra,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER
23.9.2022.

Order No.

- 01.
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. This is the second journey of the Petitioner after rejection of his earlier application as per the orders passed by this Court in BLAPL No.2705 of 2022.
 4. The Petitioner is in custody since 15th January, 2022 in connection with Berhampur P.R. Case No.430/2021-2022 corresponding to 2(a)C.C. No.03/2022 (N) pending in the court of learned Addl. Sessions Judge, LR & LTV, Berhampur for

the alleged commission of the offence under Section 20 (b) (ii) (C)/25/29 of the NDPS Act.

5. It is alleged that the Petitioner was in possession of contraband ganja weighing 60 kgs. when he was apprehended by Police. It is submitted that despite spending more than nine months in custody trial is yet to commence. It is also 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.

6. Considering the submissions made, the materials on record and 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 may be imposed by the court in seisin over the matter in the aforesaid case including the condition that he shall appear before the trial court on each date of posting of the case and in case of even a single default, necessary orders shall be passed by the court to take him to custody again.

7. The BLAPL is disposed of.

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

AKB

(Sashikanta Mishra)
Judge

