

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8852 of 2022

Bhagabata Dehury@Dehuri

....

Petitioner

Mr. P. Sahu, Advocate

- Versus -

State of Odisha

....

Opposite party

Mr. M. Mishra, Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

13.10.2022

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. The petitioner is in custody in connection with Phiringia P.S. Case No.59 of 2021 corresponding to C.T. Case No.39 of 2021 pending in the Court of learned Sessions Judge-cum-Special Judge, Phulbani for the alleged commission of offence under Sections 20(b)(ii)(C) of NDPS Act.
4. It is alleged that the petitioner and some other persons were in possession of contraband Ganja weighing more than 3 quintals when they were apprehended by the police.
5. From the materials available on record, it appears that one Batakrushna Kanhar and Bhagirathi Digal were apprehended at the spot. The said Batakrushna Kanhar disclosed the names of the petitioner and another person, who allegedly escaped from the spot. As such, there is no recovery of contraband ganja from the exclusive and conscious possession of the petitioner.
6. Petitioner's earlier application for bail was permitted to be withdrawn by this Court as per order passed in BLAPL No.

1383 of 2022 granting him liberty to renew his prayer for bail after examination of some material witnesses. In the meantime, eight witnesses have been examined including the identifying and seizure witnesses.

7. From the copies of the depositions, it is seen that they have also stated about the implication of the accused on the basis of the statement of Batakrushna Kanhar.

8. Considering the above and also the period of detention of the petitioner in custody, I am inclined to release the petitioner on 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 following condition that he shall personally appear before the court below on each date of posting of the case and in case of even single default necessary orders shall be passed by the Court below to take him to custody again.

9. BLAPL is accordingly disposed of.

10. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge