

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9033 of 2021

Arun Behera

.... ***Petitioner***

Mr. A. Pattnaik,
Advocate

-versus-

State of Odisha

.... ***Opposite Party***

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

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

03.01.2022.

Order No.

01. 1. This matter is taken up through hybrid mode.
2. Heard Mr. A. Pattnaik, learned counsel for the Petitioner and Mr. S.K.Mishra, learned Addl. Standing Counsel for the State.
3. The petitioner is in custody since 24th September, 2021 in connection with T.R. Case No.135 of 2021 pending in the court of learned 1st Addl. Sessions Judge-cum-Special Judge, under NDPS Act, Khordha corresponding to Inspector of Excise Tangi Range P.R. No.40/2021/22 for the alleged commission of the offence under Section 21(b) of the NDPS Act.

4. The prosecution allegation is that the Petitioner was found to be in possession of 08 grams of Heroine without any authority as such, the said contraband was seized from his exclusive and conscious possession and he was taken to custody. It is submitted by learned counsel for the Petitioner that the mandatory requirements of the NDPS Act relating to such seizure has not been complied with and in any case, the contraband was not seized from his exclusive and conscious possession.

5. Learned Addl. Standing Counsel for the State, on the other hand, opposed the prayer for bail by submitting that the facts of the case clearly suggest that the Petitioner is a habitual offender and if released, he may commit similar offences.

6. Having regard to the submissions made, the materials on record and the fact that the quantity of contraband seized is less than commercial quantity, I am inclined to take a lenient view in the matter.

7. Let the Petitioner- Arun Behera be released on bail on such terms and conditions as may be imposed by the court in seisin over the matter including the condition that he shall appear before the I.I.C. of Jankia P.S. every Monday till submission of final P.R. without fail.

8. The BLAPL is disposed of.

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

AKB

(Sashikanta Mishra)
Judge

