

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9090 of 2021

Tuna Naik

...

Petitioner

Mr. P.S. Nayak, Advocate

- Versus -

State of Odisha

...

Opposite Party

Ms. S. Mishra,

Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

03.01.2022

Order No.

1.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Addl. Standing Counsel.
3. The petitioner is in custody since 20.09.2021 in connection with Special G.R. Case No. 28 of 2021 of the Court of learned Sessions judge, Deogarh for the commission of offence under Sections 20(b)(ii)(B) of NDPS Act, 1985.
4. It is alleged that the petitioner was apprehended while he was transporting ganja in a plastic bag weighing 10 kg 700 grams.
5. It is submitted by learned counsel for the petitioner that nothing was seized from the exclusive and conscious possession of the petitioner. He was merely a driver of the vehicle in which the ganja is said to have been recovered.
6. Learned Addl. Standing Counsel has opposed the prayer for bail by submitting that the fact of the case suggests that the petitioner is a habitual offender and if he is released, he may commit similar offence.

7. Having regard to the nature of allegations and the quantity of ganja allegedly seized from the possession of the petitioner, which is less than the commercial quantity, I am inclined to allow the prayer for 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 condition that he shall personally appear before the trial court on each date of posting of the case without fail.
8. BLAPL is accordingly disposed of.
9. Issue urgent certified copy as per rules.

A.K. Rana

(Sashikanta Mishra)
Judge

