

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9149 of 2021

Abdul Gafur Khan

...

Petitioner

Mr. S.P. Dash, Advocate

- Versus -

State of Odisha

...

Opposite Party

Mr. P. Tripathy,

Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

04.01.2022

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 23.09.2021 in connection with Khandapada P.S. Case No. 190 of 2021 corresponding to Special G.R. Case No. 129 of 2021 pending in the Court of learned Sessions judge-cum- Special Judge, Nayagarh for the alleged commission of offence under Sections 20(b)/29 of NDPS Act, 1985.
4. It is alleged that the petitioner, who has a chicken center, was in possession of 5.470 gram of brown sugar which he was planning to sell along with another person.
5. Learned counsel for the petitioner submits that nothing was seized from his exclusive and conscious possession.
6. Learned Addl. Standing Counsel on the other hand has opposed the prayer for bail by submitting that the search and seizure was made after following all statutory formalities under the NDPS Act.

7. Having regard to the rival submissions, the materials on record, the period of detention undergone and considering the fact that the seized contraband 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