

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9253 of 2021

Pochara @ Baikuntha Das

...

Petitioner

Mr. Jayadeba Behera, Advocate

- Versus -

State of Odisha

...

Opposite Party

Miss. S. Mishra,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

05.01.2022.

Order No.

1.

1. This matter is taken up through hybrid mode.
2. Heard Mr. Jayadeba Behera, learned counsel for the Petitioner and Miss. S. Mishra, learned Addl. Standing Counsel.
3. The Petitioner is in custody since 18.09.2021 in connection with Nayagarh P.S. Case No. 196 of 2021 corresponding to Special G.R. Case No. 127 of 2021 of 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. The prosecution allegation is that the present Petitioner along with four other persons congregated in a house and was preparing small packets of brown sugar for sale. Upon receipt of information, the staff of Nayagarh Police Station conducted a raid, in course of which the present Petitioner along with other culprits were apprehended and incriminating articles including 82.460 grams of brown sugar were seized.
5. It is submitted that the Petitioner has been entangled

falsely in the case and 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 fact of the case prima facie suggests that the Petitioner is a habitual offender. So, if he is released, he may commit similar offence, which is dangerous for the society.

7. Having regard to the submissions made and the materials on record and the period of detention undergone and considering the fact that the quantity of brown sugar allegedly seized is less than the commercial quantity, I am inclined to allow the prayer for bail. Let the Petitioner-Pochara @ Baikuntha Das 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. Urgent certified copy of this order be granted on proper application.

(Sashikanta Mishra)
Judge

A.K. Behera