

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9369 of 2021

Charan Bhat@Bhata

....

Petitioner

Mr.A.K.Sahoo, Advocate

-versus-

State of Odisha

....

Opposite Party

Ms. S.Mishra,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER
11.2.2022

Order
No.

02. 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 since 15.09.2021 in
 connection with Mathili P.S. Case No.193/2020 corresponding
 to T.R. Case No. 154 of 2020 pending in the court of learned
 Sessions Judge-cum-Special Judge, Malkangiri for the alleged
 commission of offence under Sections 20(b)(ii)(C) & 25 of the
 NDPS Act.
4. It is submitted that nothing was seized from the
 possession of the petitioner and only because he was the
 registered owner of the Auto Rickshaw in which the contraband

was allegedly being transported he has been entangled in the case. It is further submitted that much prior to the occurrence, i.e., on 4.12.2017 the possession of the Auto Rickshaw was taken over by the financier and subsequently on 19.02.2018 the said vehicle was handed over to one Basant Barad. Documents in support of such contention have been enclosed to the bail application.

5. Learned Additional Standing Counsel submits that despite such action by the financier the vehicle continues to remain registered in the name of the present petitioner and therefore, his involvement in the case cannot be entirely ruled out.

6. Considering the rival submissions, the materials on record, the period of detention already undergone and the fact that there are materials prima facie to show that the vehicle in question was not in the possession of the petitioner at the relevant time, I am inclined to allow the prayer for bail.

7. 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, failing which necessary adverse orders may be passed against him.

8. The BLAPL is disposed of.

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

Dhal

(Sashikanta Mishra)
Judge