

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9388 of 2021

Bharat Aliana

....

Petitioner

Mr. Basudev Pujari, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. G.R. Mohapatra, ASC

CORAM: JUSTICE S.K. PANIGRAHI

ORDER

12.05.2022

Order No.

01. 1. The matter is taken up through hybrid mode.
2. A memo has been filed to correct the cause title page of the bail petition stating that the offence is under Sections 21(b)(ii), 25 and 29 of the NDPS and the case is pending before the learned Sessions Judge-Special Judge, Gajapati at Parlakhemundi. The cause title be corrected accordingly.
3. Heard learned counsel for the petitioner and learned counsel for the State.
4. The petitioner being in custody in Gurandi P.S. Case No.19 of 2021 corresponding to G.R. Case No.55 of 2021, pending in the court of learned Sessions Judge-Special Judge, Gajapati, Parlakhemundi for commission of offence under Section 20(b)(ii)(C), 25 and 29 of the N.D.P.S. Act, has filed this petition for bail.
5. The prosecution case, as narrated in the FIR, is that on 22.03.2021, the informant Mamata Panda, S.I. of police along with her staff, while performing patrolling duty near Bomika, found an

Auto Rickshaw was coming from Bomika towards Alibnbanjeri Chhak on N.H. 326-A and stopped the Auto Rickshaw. On verification, the police seized 30 Kg. 20 grams of Ganja in a jerry bag from inside an auto rickshaw. The driver along with an occupant of the Auto rickshaw was arrested.

6. The learned counsel for the petitioner submits that the petitioner is in custody since 23.03.2021 and the charge-sheet has already been filed. There is no direct material against the petitioner. The trial has not yet been commenced.

7. Learned counsel for the State opposes the bail prayer of the petitioner.

8. Considering the aforesaid facts and submission, since the petitioner has already spent in custody for more than one year and the trial has not yet been commenced, without going into the merits of the case, this Court feels the petitioner may be enlarged on bail.

9. Accordingly, the BLAPL is allowed.

10. Let the petitioner be released on bail in the aforesaid case on such terms and conditions as deemed just and proper by the court in seisin over the matter with further conditions that:-

i. he shall appear before the trial court on each date of posting of the case;

ii. he shall not indulge in any kind of criminal activity during bail period and shall not tamper with the evidence of prosecution witnesses in any manner.

11. Violation of any of the conditions shall entail cancellation of the bail.

12. The BLAPL is disposed of.

Urgent certified copy of this order be granted as per rules.

(S.K. Panigrahi)
Judge

pcd

