

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9424 of 2021

Sibu Biswas

....

Petitioner

Mr. S.K.Jena
Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. S.K.Mishra,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

07.01.2022.

Order No.

01. 1. This matter is taken up through hybrid mode.
2. Heard Mr. S.K.Jena , learned counsel for the Petitioner and Mr.S.K.Mishra, learned Addl. Standing Counsel for the State.
3. The Petitioner is in custody since 18th August, 2021 in connection with Laxmisagar P.S. Case No.264/2021 corresponding to T.R.. Case No.369/2021 pending in the court of learned Sessions Judge, Khurda for the alleged commission of the offence under Sections 21(C)/29 of the NDPS Act.

4. The prosecution allegation is that one Pintu @ Abinash Lenka was apprehended by staff of Laxmisagar P.S. while he was in possession of brown sugar weighing 272 grams of ganja. Basing on his alleged confessional statement, the present Petitioner was implicated in the case.

5. It is submitted by learned counsel for the Petitioner that there was no seizure whatsoever of any contraband from the possession of the Petitioner and he has been entangled in the case only on the basis of the statement of the co-accused, which is inadmissible in law.

6. Learned Addl. Standing Counsel for the State, on the other hand, has opposed the prayer for bail by submitting that seizure of contraband was made from Pintu @ Abinash Lenka.

7. Considering the submissions made, the materials on record, the period of detention already undergone and the fact that even as per the prosecution case, nothing was seized from the possession of the Petitioner but he was implicated only on the basis of the statement of the co-accused, I am inclined to allow the prayer for bail.

8. Let the Petitioner- Sibub Biswas be released on bail on such terms and conditions as may be imposed by the court in seisin over the matter in the aforesaid case including the condition that he shall appear before the trial court on each date of posting of the case without fail.

9. The BLAPL is disposed of.

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

AKB

(Sashikanta Mishra)
Judge

