

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8943 of 2020

Sukant Majhi

....

Petitioner

Mr. Suchit Kumar Nayak, Advocate

-versus-

State of Odisha

....

Opposite Party

Ms. P.K. Mohanty, ASC

CORAM:

THE JUSTICE S. K. PANIGRAHI

Order
No.5

ORDER
04.01.2022

1. This matter is taken up by video conferencing mode.
2. Heard, learned counsel for the petitioner and learned counsel for the State.
3. The petitioner being in custody in connection with Mohana P.S. Case No. 167 of 2020 corresponding to G.R Case No. 62 of 2020 pending before the court of the learned Special Judge, Gajapati, Parlakhemundi, registered for the alleged commission of offences under Sections-20(b)(ii)C, 25 and 29 of the NDPS Act, has filed this application under Section 439 of CrPC for his release on bail.
4. The brief facts of the prosecution case are that on 15.10.2020, while the police officials were performing blocking duty, they found a motor cycle bearing registration number OD-20-A-3136 approaching. Upon seeing the police personnel the car tried to flee

the spot but failed. Meanwhile, a container truck bearing registration number-HR 55 M 5927 also arrived at the spot. An occupant of the truck tried fleeing the spot but failed as well. They were then detained and their identities were recorded. On search, 21 plastic bags containing 609 Kgs of contraband articles were seized.

5. Learned counsel for the petitioner submits that the petitioner has been implicated solely based on the confessional statement of the prime accused. Further, the petitioner was merely escorting the truck loaded with the contraband article and did not behold its conscious possession. Moreover, the investigation has been completed, leaving no chance of tampering any evidence or absconding. Furthermore, the petitioner has been languishing in custody since over an year now.

6. Learned counsel for the State vehemently opposed the bail prayer of the petitioner, since the seized contraband ganja exceeds the commercial quantity.

7. Considering the submissions made, facts and circumstances of the case, it is directed that the petitioner be released on bail with some stringent terms and conditions as deemed just and proper by the learned -Special Judge, Gajapati, Parlakhemundi, in the aforesaid case with further conditions that:-

- i) he shall appear before the court below on each date of posting of the case and
- ii) he shall not indulge himself in any criminal offence while on bail and
- ii) he shall not tamper with the prosecution evidence in any manner. .

8. Accordingly, the BLAPL stands disposed of..

9. Issue urgent certified copy of the order as per Rules.

(S. K. Panigrahi)
Judge



LB