

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9942 of 2021

Sraban Meher @ Sawan

....

Petitioner

Mr. S.S. Ray-2, Advocate

-versus-

State of Orissa

....

Opposite Party

Mr. P.K. Pattanaik, A.G.A.

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

19.01.2022

Order No.

01.

1. This matter is taken up through video conferencing.
2. This is an application under Sec.439 Cr.P.C. for bail and the offences alleged are under Secs.20(b)(ii)(C)/29 of the NDPS Act for alleged possession of contraband weighing 47.016 grams.
3. Heard Mr. S.S. Ray-2, learned counsel for the Petitioner as well as Mr. P.K. Pattanaik, learned A.G.A. for the State-Opposite Party.
4. It is submitted that the Petitioner is inside custody since 20.9.2021 and he has been implicated on the basis of statement of co-accused persons though no contraband was seized from his possession. It is further stated that the Petitioner has no criminal antecedents.
5. After hearing learned A.G.A. for the State-Opposite Party and upon perusal of the record, it reveals that the other two co-accused persons having been found with possession of the contraband were taken into custody and they confessed to have

collected contraband ganja from the present Petitioner. Admittedly neither any contraband was seized from possession of the present Petitioner at the time of his arrest nor he was present at the spot from where other two co-accused persons were detected with the ganja. The submission that the Petitioner has no criminal antecedents is also not disputed by learned A.G.A. Thus keeping in view the circumstances there appears reasonable ground in favour of the Petitioner for his release on bail.

6. Accordingly, it is directed to release the Petitioner on bail in connection with Kesinga P.S. Case No.348/2021 corresponding to C.T. Case No.57/2021 (NDPS) on such terms and conditions to be fixed by the learned Special Judge, Kalahandi as he deems just and proper including the condition that the Petitioner shall not be involved in any other offence while on bail.

7. The BLAPL is accordingly disposed of.

8. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020 as modified by Court's Notice No.4798, dated 15th April, 2021 and Court's Office Order circulated vide Memo No.514, dated 7th January, 2022.

(B.P. Routray)
Judge