

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10012 of 2021

Arun Sahu

....

Petitioner

*Ms. Sabita Ranjan Pattnaik,
Advocate*

-Versus -

State of Odisha

....

Opposite Party

*Mr. A. Pradhan
Addl. Standing Counsel*

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

31.01.2022

Order No.

2.

1. This matter is taken up through virtual mode.
2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
3. The petitioner is in custody since 07.10.2021 in connection with Bharatpur PS. Case No. 353 of 2021 corresponding to T.R. Case No. 444 of 2021 pending in the court of learned District Judge & Sessions Judge, Khurda at Bhubaneswar for the alleged commission of offence under Sections 20(b)(ii)(C) of NDPS Act.
4. It is alleged that the petitioner was apprehended along with two other persons while they were in possession of ganja weighing 22 Kgs.
5. It is submitted by learned counsel for the petitioner that the seizure was made in the public place and not from the exclusive and conscious possession of the petitioner and that he was only waiting to catch a bus. It is further submitted that the co-accused persons who are similarly placed as the present petitioner have already been

granted bail by this Court vide order passed in BLAPL No. 9472 of 2021 and BLAPL No. 9510 of 2021.

6. Learned Additional Standing Counsel has opposed the prayer for bail by submitting that the seized contraband is more than commercial quantity weighing 22 Kgs. of ganja.

7. Having regard to the submissions made, the materials on record, the period of detention already undergone and the fact that the co-accused persons, who are similarly situated have already been granted on bail, I am inclined to allow the prayer of the petitioner. 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 one of the sureties should be from the Khurda district.

8. The BLAPL is accordingly disposed of.

9. 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, modified by Notice No.4798, dated 15th April, 2021, and Court's Office Order circulated vide Memo Nos. 514 and 515 dated 7th January, 2022.

(Sashikanta Mishra)
Judge

B.C. Tudu

