

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10042 of 2021

Kabimanyu Maharana

....

Petitioner

Mr. H.N.Mohapatra
Advocate

-versus-

State of Odisha

....

Opposite Party

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

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

19.01.2022.

Order No.

01. 1. This matter is taken up through virtual mode.
2. Heard Mr. H.N.Mohapatra, learned counsel for the Petitioner and Mr.S.K.Mishra, learned Addl. Standing Counsel for the State.
3. The Petitioner is in custody since 26th October, 2021 in connection with Khallikote P.S. Case No.645/2021 corresponding to G.R. Case No.27/2021(N) pending in the court of learned Addl. Sessions Judge-cum-Special Judge, Khallikote, Ganjam for the alleged commission of the offence under Sections 18(b)/20(b)(ii)(C)/25/29 of the NDPS Act.

4. The above case was registered by Khallikote Police against one Rajanikanta Pattnaik and in course of investigation it came to light that the said Rajanikanta Pattnaik was in possession of some opium which he had acquired from the present Petitioner and, accordingly, the present Petitioner was also implicated in the case. It is submitted that there is no dispute that the Petitioner is a license holder having been granted license to deal with opium for medicinal purposes by the competent authority. The co-accused persons have purchased opium in question in regular course of business from the present Petitioner and, therefore, the same by itself cannot imply that the Petitioner was involved in the alleged occurrence.

5. Learned Addl. Standing Counsel while opposing the prayer for bail has, however, submitted that except for the fact that the Petitioner could not furnish any receipt showing sale of the opium in question to the co-accused persons, there is no other specific allegation against him in so far as the occurrence is concerned.

6. Having regard to the submissions made above, the materials on record, the period of detention already undergone and the fact that there is no specific allegation against the Petitioner as regards the alleged occurrence, I am inclined to allow the prayer for bail.

7. Let the Petitioner- Kabimanyu Maharana 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.

8. The BLAPL is 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.

AKB

(Sashikanta Mishra)
Judge