

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10720 of 2021

Ataulla Khan @ Bunty

.... **Petitioner**

Mr. P.K. Das, Advocate

- Versus -

State of Odisha

.... **Opposite Party**

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

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

12.05.2022

Order No.

02.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
3. The petitioner is in custody since 11.11.2021 in connection with Bhadrak Town P.S. Case No.419 of 2021 corresponding to Special (NDPS) Case No.136 of 2021 pending in the Court of learned Special Judge-cum-Sessions Judge, Bhadrak for the alleged commission of offence under Section 21(b)(ii)(C) of NDPS Act.
4. Though it is alleged that contraband weighing 45 Kgs was seized, yet the materials on record shows that there were two vehicles and the vehicle in which the present petitioner is said to have been travelling, contained only 23 Kgs. Though the said quantity is more than commercial quantity, yet as submitted by learned counsel for the petitioner, there are serious doubts regarding the procedure adopted for weighment of the contraband along with its bags and that in all likelihood, the weight of the bags may also have been included.
5. Having regard to the submissions as above and the period of detention in custody, I am inclined to allow the prayer for bail. 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 he shall personally appear before the trial Court on each date of posting of the case without fail.

6. BLAPL is accordingly disposed of.

7. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana

