

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10845 of 2021

Raghunath Tandi

.... Petitioner

Mr. S.R. Mohapatra, Advocate

-versus-

State of Orissa

.... Opposite Party

Ms. S. Mishra, A.S.C.

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

24.01.2022

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 offence alleged is under Sec.20(b)(ii)(C) of the NDPS Act for alleged possession of contraband ganja weighing 70.280 kilograms.
3. Heard Mr. S.R. Mohapatra, learned counsel for the Petitioner as well as Ms. S. Mishra, learned A.S.C. for the State-Opposite Party.
4. It is submitted that the Petitioner is inside custody since 12.9.2021 and neither any contraband was seized from his possession nor he was present at the spot of detection. The Petitioner was implicated on the basis of the statement of the driver of the vehicle. It is also submitted that the Petitioner has no criminal antecedent.

5. Upon hearing learned A.S.C. for the State-Opposite Party and considering the fact that nothing has been seized from possession of the Petitioner and that, he has no criminal antecedent, there appears reasonable ground to prima facie believe innocence of the Petitioner. Accordingly, it is directed to release the Petitioner on bail in connection with M. Rampur P.S. Case No.184/2021 corresponding to C.T. Case No.54/2021 (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 and shall attend the trial court on each date fixed.

6. The BLAPL is accordingly disposed of.

7. 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