

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 11494 of 2021

Sharukh

.... **Petitioner**

Mr. J. Kamila, Advocate

- Versus -

State of Odisha

.... **Opposite Party**

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

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

20.04.2022

Order No.

2.

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 12.11.2021 in connection with Bisam Katak P.S. Case No.125 of 2021 corresponding to T.R. Case No.101 of 2021 pending in the Court of learned Addl. Sessions Judge-cum-Special Judge, Gunupur for the alleged commission of offence under Sections 20(b)(ii)(C) of NDPS Act.
4. The allegation is that the petitioner along with another person was carrying contraband ganja weighing 32 kgs on a motor cycle. It is submitted that the statutory formality relating to search and seizure has not been followed. Moreover, the mode of weighment of the contraband article is also doubtful.
5. Considering the submissions as above, the materials on record and the period of detention of the petitioner in custody without trial, 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 furnish cash security of Rs.30,000/-. Further learned Court below shall insist upon two sureties belonging to the district of Rayagada for such amount as may be determined by it. Further, the petitioner shall personally appear before the trial Court on each date of the posting of the case, failing which necessary orders may be passed to take him to custody again by the Court below. The petitioner shall also appear before the IIC of Gunupur Police Station once in every fortnight for a period of six months and he shall not leave the territorial jurisdiction of the Court below without obtaining leave.

6. BLAPL is accordingly disposed of.
7. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana

