

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11517 of 2021

Bibastha Kanhar @ Bibascha Kanhar ***Petitioner***

Mr. H.S. Mishra, Senior Advocate
-versus-

State of Odisha ***Opposite Party***

Mr. G.N. Mohapatra, ASC

CORAM: JUSTICE S.K. PANIGRAHI

ORDER
17.03.2022

Order No.

03. 1. The matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner being in judicial custody in connection with Special G.R. Case No.18 of 2021, arising out of Sorada P.S. Case No.127 of 2021, of the court of learned Special Judge, Bhanjanagar for commission of offence under Section 20(b)(ii)(C) of the NDPS Act has filed this application under Section 439 of the Cr.P.C. for his release on bail.
4. The brief fact of the case is that one Sunil Kandagori, S.I. of Sorada P.S. on 28.07.2021 lodged an FIR before the IIC, Sorada P.S. stating that while he along with staffs were performing patrolling duty near too gate on NH-59, at about 1.15 P.M., they saw one white colour Hyundai Santro Zip Car bearing Regd. No.OR-02V-7020

coming from Sorada side on N.H.59 in high speed. Seeing the policy party, the driver of the vehicle i.e. the present petitioner lost his balance and dashed against a tree. Thereafter, he fled away towards the jungle. On search of the car two bags containing 42 k.gs. of Ganja was recovered.

5. Learned counsel for the petitioner submits that nothing was found from the conscious possession of the petitioner and it was on the basis of the statement of the owner of the vehicle, he has been arrested and he has been in custody since 24.08.2021. Since nothing was recovered from the conscious possession of the petitioner and he has already spent 7 months in custody on suspicion, the petitioner may be enlarged on bail.

6. Learned counsel for the State opposes the bail prayer of the petitioner.

7. Considering the aforesaid submissions and the facts of the case, the BLAPL is allowed.

8. Let the petitioner be released on bail in the aforesaid case on some stringent terms and conditions as deemed just and proper by the court in seisin over the matter with further conditions that:-

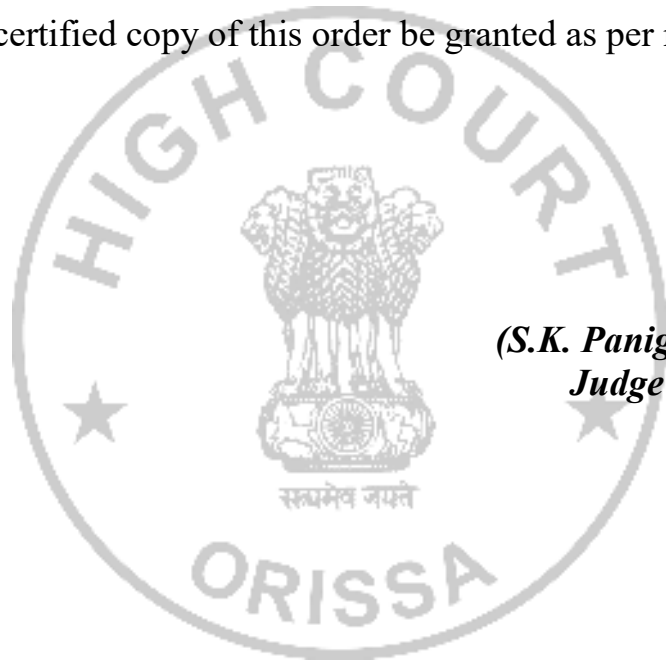
- i. he shall appear before the trial court on each date of posting of the case;

ii. he shall not indulge in any kind of criminal activity during bail period and shall not tamper with the evidence of prosecution witnesses in any manner.

9. Violation of any of the conditions shall entail cancellation of the bail.

10. The BLAPL is disposed of.

11. Urgent certified copy of this order be granted as per rules.



(S.K. Panigrahi)
Judge

pcd