

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 11592 of 2021

Arun Nayak

....

Petitioner

Mr. T.K. Mohanty, Advocate

- Versus -

State of Odisha

.... **Opposite Party**

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

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

06.04.2022

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 15.11.2021 in connection with Baliana P.S. Case No. 386 of 2021 corresponding to T.R. No. 506 of 2021 pending in the Court of learned Dist. & Sessions Judge, Bhubaneswar for the alleged commission of offence under Section 21(C) of NDPS Act.
4. As per the prosecution allegation, the total quantity of 300 grams of brown sugar was recovered from the petitioner and another person. However, it is evident from the materials on record that while the petitioner was riding a motor cycle, the other person was driving a car and on personal search, different quantities of contraband brown sugar were found from their possession. In so far as the present petitioner is concerned, the seizure list reveals that the total quantity of brown sugar recovered from his pant pocket is 150 grams, i.e., less than commercial quantity.
5. Considering the above facts 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

