



IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.4575 of 2026

Sk. Saruk

...

Petitioner

Mr. A.R. Panda, Advocate

-versus-

State of Orissa

...

Opposite Party

Mr. C. Mohanty, Addl. PP

CORAM: JUSTICE G. SATAPATHY
ORDER(ORAL)22.06.2026

Order No.
03.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).

2. This is a bail application U/S.483 of BNSS by the petitioners for grant of bail in connection with STF PS Case No.14 of 2020 corresponding to TR Case No.133 of 2020 for commission of offences punishable under Sections 21(C)/29 of the NDPS Act pending in the file of learned 3rd Addl. Sessions Judge, Bhubaneswar, on the allegation of possessing 405 Grams of Brown Sugar along with co-accused persons.

3. Heard, Mr. Amulya Ratna Panda, learned counsel for the petitioner and Mr. C. Mohanty, learned Additional Public Prosecutor in the matter and perused the record.

4. Admittedly the petitioner is renewing his prayer for bail for non-conclusion of trial even after more than six years of his custody. Besides, the learned trial Court in response to the order of this Court has reported that only four out of twenty four charge-sheeted witnesses have been examined till today and the prosecution wants to examine ten more witnesses in this case, however, the learned trial Court has outlined the non-co-operation of



learned defence counsel as a ground for non-disposal of the case, but the learned trial Court has not clarified as to how the defence counsel has not cooperated the trial. In this case, the petitioner has suffered incarceration period of 6years 3months and 28days as on today and when the trial would conclude is still a guess inasmuch as 10 more witnesses have been shortlisted to be examined in this case. Besides, the written objection as produced by the learned Addl. Prosecutor reveals that the petitioner is not having any criminal antecedents of similar nature. Right to speedy trial is definitely a fundamental right of an accused, but detention of the accused in custody for more than 6years 3months is definitely an infringement of his right to speedy trial. No doubt the petitioner is detained in custody for commission of offence under NDPS Act involving commercial quantity, but his long custody together with examination of 10 witnesses being awaited, the rigor of the conditions of Sec.37 of NDPS Act may be dispensed with for the petitioner at this stage, especially when he is not having any criminal antecedents and there is no immediate likelihood of conclusion of trial in near future.

5. For the reason stated hereinabove and taking into account the long custody of the petitioner, this Court without expressing any view on merit admits the petitioner to bail.

6. Hence, the bail application of the petitioner stands allowed and the petitioner is allowed to go on bail on furnishing bail bonds of Rs.50,000/- (Rupees Fifty



Thousand) only with two solvent sureties each for the like amount to the satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper by it with following condition: -

*(i) the petitioner in the course of trial shall attend the trial Court on each date of posting without fail unless their attendance is dispensed with. **In case the Petitioner fails without sufficient cause to appear in the Court in accordance with the terms of the bail, the learned trial Court may proceed against the Petitioner for offence U/S.269 of BNS, 2023 in accordance with law.***

7. Accordingly, the BLAPL stands disposed of.
8. Issue urgent certified copy of the order as per Rules. A soft copy of this order be immediately communicated to the concerned Court, who shall afterwards communicate the same to the concerned Jail through e-mail for reference.

(G. Satapathy)
Judge

Jayakrushna

Signature Not Verified

Digitally Signed
Signed by: JAYAKRUSHNA DASH
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 22-Jun-2026 19:15:00

