

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 48 of 2021

Seshadeba Malli

....

Petitioner

Mr. A.K. Parida, Advocate

-versus-

State of Odisha

....

Opposite Party

Ms. S. Mishra, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

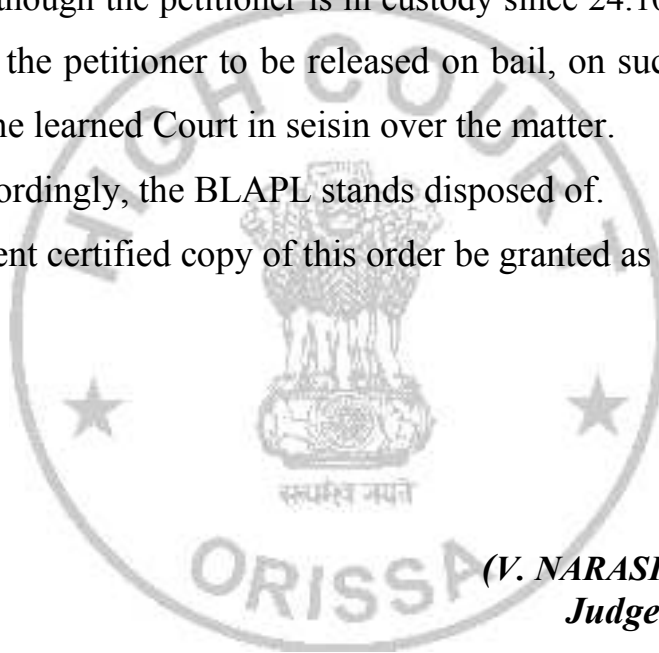
09.05.2022

Order No.

07.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner is an accused in Special G.R. Case No.35 of 2020, on the files of learned Additional Sessions Judge-cum-Special Judge, Bhanjanagar, arising out of Sorada P.S. Case No.269 of 2020, under Sections 20(b)(ii)(c) of the N.D.P.S Act and is in custody since 24.10.2020.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Court of the Additional Sessions Judge-cum-Special Judge, Bhanjanagar, by order dated 01.12.2020 in the aforementioned case, the present BLAPL has been filed.
5. It is stated that the petitioner is in custody since 24.10.2020 and trial has not commenced.

6. The learned counsel for the petitioner seeks to be enlarged on bail inter alia, on the ground of pre-trial confinement for more than one year and three months.
7. Learned counsel for the State opposes the move stating that delay cannot be a ground to consider an application for bail when there is statutory embargo which comes into play in the case at hand, since admittedly the seizure of contraband is beyond permissible limit.
8. Considering the submission of the learned counsel for the petitioner that he has no criminal proclivity and trial has not commenced, though the petitioner is in custody since 24.10.2020, this Court directs the petitioner to be released on bail, on such terms to be fixed by the learned Court in seisin over the matter.
9. Accordingly, the BLAPL stands disposed of.
10. Urgent certified copy of this order be granted as per rules.



(V. NARASINGH)
Judge

Santoshi