

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.239 of 2017

Bapi Behera

....

Petitioner

Mr. K.P.Dash
Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P. Tripathy
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

01.8.2022.

Order No.

06.

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 14th June, 2015 in connection with Berhampur Sadar P.S. Case No.105/2015 corresponding to G.R. Case No.71/2015(N) pending in the court of learned Sessions Judge-cum-Special Judge, Ganjam, Berhampur for the alleged commission of the offence under Sections 20(b)(ii) (C)/ of N.D.P.S. Act.

4. It is alleged that the Petitioner and three other persons were in possession of contraband ganja weighing 78 Kgs.257 grams. In the mean time, the co-accused persons namely, Sisir Kumar Patra and Raju Gouda have been released on bail as per orders passed by this Court in BLAPL Nos.4250/2016 and 3551/2021. It is submitted by Mr. Dash, learned counsel for the Petitioner, that trial is in progress.

5. Considering the above facts as also the fact that the Petitioner has been in custody for more than seven years and trial is yet to be concluded, I am inclined to allow the prayer for bail. Let the Petitioner be released on bail on such terms and conditions as may be imposed by the court in seisin over the matter in the aforesaid case including the condition that he shall appear personally before the court below on each date of posting of the case without fail and in case of non-appearance, this order shall be treated as automatically cancelled and necessary orders shall be passed by the court below to take him to custody again.

6. The BLAPL is disposed of.

7. Urgent certified copy of this order be granted on proper application.

AKB

(Sashikanta Mishra)
Judge

