

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.99 of 2022

Pradeep Kumar Das @ Lipu

....

Petitioner

Mr. A.R. Panda, Advocate

-versus-

State of Orissa

....

Opposite Party

Ms. S. Mishra, A.S.C.

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

28.03.2022

Order No.

02.

1. This is an application under Sec.439 Cr.P.C. for bail and the offences alleged are under Secs.21(c)/29 of the NDPS Act for alleged possession of brown sugar (heroin) weighing 2 kg. 737 grams.

2. Heard Mr. A.R. Panda, learned counsel for the Petitioner as well as Ms. S. Mishra, learned A.S.C. for the State-Opposite Party.

3. After hearing learned A.S.C. for the State-Opposite Party, I am not inclined to release the Petitioner on bail keeping in view the embargo contained in Section 37(1)(b) of the NDPS Act. The prayer for bail is rejected.

4. However, it is submitted on behalf of the Petitioner that the Petitioner is inside custody since 19.3.2020 and till date only 3 witnesses have been examined for the prosecution despite earlier directions of this Court for expeditious completion of trial. He

further submits that the Petitioner is a student without having any criminal antecedent.

5. Thus considering the long period of detention of the Petitioner inside custody and slow progress of trial, it is directed to release the Petitioner on interim bail for a period of three months from the date of his release in connection with STF Bhubaneswar P.S. Case No.16/2020 corresponding to Special Case No.10/2021 (107/2020) on such terms and conditions to be fixed by learned 3rd Addl. Sessions Judge, Balasore as he deems just and proper including the condition that the Petitioner shall not be involved in any other offence while on bail and shall attend the trial court on each date fixed.

6. It is made clear that the Petitioner shall surrender in the trial court on or before 27th June, 2022, failing which learned trial court shall take appropriate steps including issuance of NBW of arrest to apprehend him.

7. The BLAPL is disposed of.

8. An urgent certified copy of this order be granted on proper application.

(B.P. Routray)
Judge