

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 747 of 2022

Harischandra Behera

.... **Petitioner**

Mr. B.R. Tripathy, Adv.

- Versus -

State of Odisha

.... **Opposite Party**

Mr. P. Tripathy, Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

13.10.2022

Order No.

8.

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 23.08.2021 in connection with R. Udayagiri P.S. Case No.105 of 2021 corresponding to G.R. Case No.89 of 2021 pending in the Court of learned Special Judge, Gajapati, Parlakhemundi for the alleged commission of offence under Sections 20(b)(ii)(C)/25/29 of NDPS Act.
4. It is alleged that the petitioner in association with five persons were transporting contraband ganja weighing 478 Kg when they were apprehended. In the meantime trial has already commenced with three out of nineteen witnesses being examined. From the copies of the depositions of the said witnesses produced by learned counsel for the petitioner it is seen that all the three witnesses, who are official witnesses, have not supported the case of the petitioner. Be that at it may, having regard to the fact that sixteen more witnesses are left to be examined, I am not inclined to allow the prayer for regular

bail. However, considering the submissions that the petitioner is required to attend his ailing family members, the bail application is disposed of directing the court in seisin over the matter to release the petitioner on interim bail for a period of two months from the date of his actual release on such terms and conditions as he may deem fit and proper to impose including the condition that the petitioner shall appear on each date of posting of the case before the court below.

5. BLAPL is accordingly disposed of.
6. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana

