

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No.863 of 2022**

*Nasir*

.... *Petitioner*

Mr. S.K. Joshi, Advocate

*-versus-*

*Union of India (NCB)*

.... *Opposite Party*

Mr. P.S. Nayak, Senior Panel Counsel for NCB

**CORAM:**

**JUSTICE B. P. ROUTRAY**

**ORDER**

**25.04.2022**

**Order No.**

03.

1. This is an application under Sec.439 Cr.P.C. for bail and the offences alleged are under Secs.20(b)(ii)(C)/28/29 of the NDPS Act for alleged possession and transportation of contraband ganja weighing 400 kg.

2. Heard Mr. S.K. Joshi, learned counsel for the Petitioner as well as Mr. P.S. Nayak, learned Senior Panel Counsel for NCB.

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 he is inside custody since 28.3.2019 and till date only one witness could be examined in course of trial despite earlier directions of this Court dated 03.02.2021 passed in BLAPL No.7198 of 2019 to complete the trial by end of August, 2021.

5. Thus considering long period of detention of the Petitioner inside custody and the delay in commencement 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 NCB Crime No.02/NCB/BBSR/2019 corresponding to 2(a)CC No.04/2019(N) on such terms and conditions to be fixed by learned Sessions Judge-cum-Special Judge, Chhatrapur as he deems just and proper including the condition that the Petitioner shall furnish two sureties (with proper identity proof) out of which one shall be his relative and that, he 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 28<sup>th</sup> July, 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**