

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 992 of 2022

Nityananda Kanhar

....

Petitioner

*Mr. S.K. Baral,
Advocate*

-Versus -

State of Odisha

....

Opposite Party

*Mr. P. Tripathy,
Additional Standing Counsel*

CORAM:

JUSTICE SASHIKANTA MISHRA

**ORDER
22.09.2022**

**Order No.
4.**

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
3. The petitioner is in custody in connection with Phiringia P.S. Case No. 84 of 2017 corresponding to C.T. Case No. 87 of 2017 pending in the court of learned Addl. District & Sessions Judge-cum-Special Judge, Phulbani for the alleged commission of offence under Sections 20(b)(ii) (C) of NDPS Act.
4. It is alleged that the petitioner along with two other persons was transporting contraband ganja weighing 85 kgs. 200 grams when they were apprehended by police. The petitioner is said to have escaped from the spot, while the other two persons were apprehended. As such, nothing was seized from the exclusive and conscious possession of the petitioner and he was arrested six months after the occurrence.

5. It is further submitted by Mr. Baral, learned counsel appearing for the petitioner that despite being in custody for more than three years, trial is yet to commence and as such the right to liberty of the petitioner has been seriously curtailed.

6. Considering the submissions as above, the materials on record and the long period of detention of the petitioner in custody without commencement of trial, I am inclined to allow the prayer for bail. Let the petitioner be released on bail on such terms and conditions as the court in seisin over the matter may deem fit and proper to impose including the condition that the petitioner shall personally appear before the trial court on each date of posting of the case without fail.

7. The BLAPL is accordingly disposed of.

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

(Sashikanta Mishra)
Judge

