

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1344 of 2022

Swadhin Bardhan

.... Petitioner

Mr. S.K. Rout, Advocate

-versus-

State of Odisha

.... Opposite Party

Mr. K.K. Das, Additional Standing Counsel

CORAM:

SHRI JUSTICE B. P. ROUTRAY

ORDER

17.8.2022

Order No.

- 01.
1. The matter is taken up through hybrid mode.
 2. Heard Mr. S.K. Rout, learned counsel for the Petitioner who enters appearance on consent of previous lawyer. The vakalatnama filed by him is kept on record. Also heard Mr. K.K. Das, learned Additional Standing Counsel.
 3. This is an application under Section 439 Cr.P.C. for grant of bail to the Petitioner Swadhin Bardhan in connection with Nandapur P.S. Case No.79 of 2019 corresponding to T.R. Case No.34 of 2019 pending in the court of learned Additional Sessions Judge-cum-Special Judge, Koraput for alleged commission of offence under Sections 20(b)(ii)(C) of the N.D.P.S. Act for alleged possession of contraband ganja weighing about 26 kg. 200 grams.
 4. It is submitted on behalf of the Petitioner that he is inside custody since 21st November, 2019 and despite direction of this court

in earlier bail application, i.e. BLAPL No.425 of 2020 for expeditious completion of trial, only 4 witnesses have been examined till date.

5. Upon hearing Mr. Das, learned Additional Standing Counsel for State and keeping in view the total quantity of contraband ganja which attracts commercial quantity and the embargo contained under Section 37(1)(b) of the NDPS Act, I am not inclined to release the Petitioner on bail. Accordingly, his prayer for bail is rejected.

6. However, considering the 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 on such terms and conditions as may be deemed just and proper by the learned court in seisin over the matter including the conditions that the Petitioner shall furnish two sureties each (with proper identity proof) out of whom one shall be his relative and that, he shall not be involved in any other offence while on bail.

7. It is made clear that the Petitioner shall surrender on or before 21st November, 2022, failing which learned court below shall take all appropriate steps including issuance of NBW of Arrest to apprehend the Petitioner.

8. The BLAPL is accordingly disposed of.

9. An urgent certified copy of this order be issued as per rules.

(B.P. Routray)
Judge