

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1380 of 2022

Bibhisana Kumbhar @ Sunu

....

Petitioner

Mr. S.K. Padhi, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Mohanty, Additional Standing Counsel

CORAM:

SHRI JUSTICE B. P. ROUTRAY

ORDER

5.5.2022

Order No.

- 02.
1. Heard Mr. S.K. Padhi, learned counsel for the Petitioner and Mr. P.K. Mohanty, learned Additional Standing Counsel.
 2. This is an application under Section 439 Cr.P.C. for grant of bail to the Petitioner Bibhisana Kumbhar @ Sunu in connection with Manamunda P.S. Case No.161 of 2019 corresponding to Special (NDPS) Case No.68 of 2019 pending in the court of learned Additional Sessions Judge, Kantamala, District-Boudh for alleged commission of offence under Section 20(b)(ii)(C)/25/29 of the N.D.P.S. Act for alleged possession of contraband ganja weighing 31 kg. 800 grams.
 3. It is submitted on behalf of the Petitioner that he is inside custody since 21st October, 2019 and despite earlier direction of this court dated 15th July, 2021 passed in BLAPL No.2526 of 2021 to complete the trial by end of December, 2021, only one witness has been examined till date.

4. Upon hearing Mr. Mohanty, learned ASC for State and keeping in view the quantity of contraband ganja 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.

5. However, considering long 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 (with proper identity proof) out of whom one shall be his relative and that, the Petitioner shall not be involved in any other offence while on bail.

6. It is made clear that the Petitioner shall surrender himself on or before 8th August, 2022, failing which learned court below shall take all appropriate steps including issuance of NBW of Arrest to apprehend the Petitioner.

7. The BLAPL is accordingly disposed of.

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

(B.P. Routray)
Judge