

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1435 of 2022

Sekhar @ Tuna Bindhani

.... ***Petitioner***
M/s. A.Mohanty, Advocate

-versus-

State of Orissa

.... ***Opp. Party***
M/s.S.R.Roul, A.S.C.

CORAM:

JUSTICE G. SATAPATHY

ORDER

14.11.2022

Order No.

- 05.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. This is an application U/S. 439 of Cr.P.C. by the Petitioner for grant of bail in connection with Pottangi P.S. Case No. 122 of 2019 corresponding to T.R. Case No.49 of 2019 pending in the Court of learned Addl. District & Sessions Judge-cum-Special Judge, Koraput for commission of offence punishable U/Ss. 20(b)(ii)(C) of the N.D.P.S. Act on the allegation of transporting 27Kgs 700 grams of contraband Ganja.
 3. In the course of hearing of the bail application, Mr.A.Mohanty, learned counsel for the petitioner submits that the petitioner is inside jail custody since 25.12.2019 but the trial is yet to be concluded even after three years of the custody of the petitioner. It is further submitted that the petitioner was an occupant of the car by taking a lift but he was not having any knowledge of any contraband Ganja being carried in the said car and no criminal antecedent has been reported against the petitioner. Learned counsel for the petitioner under aforesaid submissions has prayed to enlarge the petitioner on bail.

4. Mr.S.R.Roul, learned counsel for the State, however, opposes the bail application of the petitioner on the ground that the contraband Ganja seized in this case is of commercial quantity and Section 37 of N.D.P.S. Act would operate as a bar for release of the petitioner on bail and the petitioner, therefore, should not be enlarged on bail.

5. Considering the rival submissions made, nature and gravity of accusations, the period of detention of the petitioner in jail custody since 25.12.2019, the slow progress of trial in this case even after three years of custody of the petitioner and no criminal antecedent of the petitioner having reported and further taking into consideration the quantity of contraband Ganja alleged to have been recovered from the dicky of the car but not from the personal search of the petitioner, this Court considers the bail application of the petitioner leniently.

6. Hence, the prayer for bail of the petitioner is allowed and the Petitioner be released on bail on furnishing bail bonds of Rs.1,00,000/- with two solvent sureties each for the like amount to the satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper with further conditions that the petitioner shall not commit similar type of offence while on bail and that the petitioner shall not leave the jurisdiction of the trial Court without prior permission till conclusion of the trial and that the petitioner shall attend the trial Court on each date of posting of the case unless his attendance is dispensed with and that the petitioner shall report attendance before the jurisdictional Police Station once in a fortnight preferably on second Saturday every month in between 10 A.M. to 12 Noon. The I.I.C. of jurisdictional Police Station shall not

detain the petitioner unnecessarily after recording his attendance beyond the time as stipulated. It is clarified that the Special Judge will be at liberty to cancel the bail of the petitioner without further reference to this Court, if any of the above conditions are violated or a case for cancellation of bail is otherwise made out.

7. Accordingly, the BLAPL stands disposed of.

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

Kishore

(G. Satapathy)
Judge

