

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 1444 of 2022

Rajesh Narendra Gedam @ Rajesh N. Petitioner
Gedam

Mr. D.P. Dhal, Advocate

- Versus -

State of Odisha & Others Opposite Parties

Mr. P. Tripathy, Addl. Standing Counsel

BLAPL No. 1345 of 2022

Srinibas Narsahia @ Srinivas @ N. Petitioner
Addur

Mr. D.P. Dhal, Advocate

- Versus -

State of Odisha & Others Opposite Parties

Mr. P. Tripathy, Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

18.04.2022

Order No.

1.

1. This matter is taken up through hybrid mode.
2. Both the bail applications are heard and disposed of by this common order.
3. Heard learned counsel for the petitioners and learned Addl. Standing Counsel for the State.
4. The petitioners are in custody since 18.09.2020 in connection with Kalimela P.S. Case No.116 of 2020 corresponding to T.R. Case No.106 of 2020 pending in the Court of learned Addl. Sessions Judge-cum-Special Judge, Malkangiri for the alleged commission of offence under Sections 20(b)(ii)(C)/29 of NDPS Act.
5. The prosecution allegation is that they were apprehended while transporting contraband ganja weighing 21 kg 900 grams.

One of the co-accused, who was also present at the spot and is said to have been escorting the car in which the present petitioners were occupants, has already been granted bail as per order passed by this court in BLAPL No. 7917 of 2020. It is submitted by learned counsel for the petitioners that despite the fact that the petitioners are in custody for more than 1 and ½ years, trial is yet to commence. That apart, there are several irregularities in the manner of search and seizure of the contraband articles.

6. Having regard to the submissions as above and the fact that the petitioners are in custody for more than 1 and ½ years and there is no likelihood of trial commencing and being concluded at an early date, I am inclined to allow the prayer for bail. Let the petitioners 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 they shall personally appear before the trial Court on each date of posting of the case without fail including the condition that the Court shall insist upon to two local sureties, i.e., belonging to the district of Mayurbhanj for such amount as may be determined by it. Further each of the petitioner shall furnish cash security of Rs.50,000/- each.

7. BLAPLs are accordingly disposed of.

8. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana