

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1477 of 2022

Radhesyam Jha

....

Petitioner

Mr.S.K.Achary, Advocate

-versus-

State of Odisha

....

Opp.Party

Ms.S.Mishra, ASC

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

5.4.2022

Order No.

1.

1. Heard Mr.Achary, learned counsel for the Petitioner and Ms.Mishra, learned Additional Standing Counsel for the State.

2. This is an application under Section 439 Cr.P.C. and the offences alleged are under Sections 20(b)(ii)(C) of the N.D.P.S.Act for alleged possession of contraband ganja weighing 21Kg.

3. Upon hearing both parties, I am not inclined to release the Petitioner on bail keeping in view the embargo contained in Section 37(1)(b) of the N.D.P.S. Act,

4. Accordingly, the prayer for bail is rejected.

5. It is submitted by the Petitioner that he is inside custody since 26th December, 2020 and trial has not yet commenced despite the earlier order passed by this Court to complete the trial expeditiously.

6. Thus considering long detention of the Petitioner inside custody and slow progress in trial, it is directed to release the Petitioner on interim bail in T.R.No.29/491 of 2021/2020 arising out of Khandagiri P.S.Case No.872 of 2020 corresponding to G.R. Case No.491 of 2020 by the learned 2nd Additional Sessions Judge, Bhubaneswar, Khurda for a period of three months from the date of his release on such terms and conditions as the learned 2nd Additional Sessions Judge may deem fit and proper, including the conditions that the Petitioner shall furnish two sureties out of which one shall be his relative and that, the Petitioner shall not be involved in any other offence while on interim bail and shall attend the trial court on each date fixed.

7. It is made clear that the Petitioner shall surrender before the court below on or before 11th July, 2022, failing which the learned court below shall take all necessary steps including issuance of NBW of arrest to apprehend him.

8. The bail application is disposed of.

9. Urgent certified copy of this order be granted in course of the day.

(B.P. Routray)
Judge