

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1632 of 2022

Jogendra Mandal

.... Petitioner

Mr. D.K. Sahoo, Advocate

-versus-

State of Odisha

.... Opposite Party

Mr. P.K. Mohanty, A.S.C.

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

10.05.2022

Order No.

01.

1. This is an application under Sec.439 Cr.P.C. for bail and the offences alleged are under Secs.20(b)(ii)(C)/25/29 of the NDPS Act for alleged possession of contraband ganja weighing 59 kg. 800 grams.

2. Heard Mr. D.K. Sahoo, learned counsel for the Petitioner as well as Mr. P.K. Mohanty, learned A.S.C. for the State-Opposite Party.

3. After hearing learned A.S.C. for the State-Opposite Party, I am not inclined to release the Petitioner on bail keeping in view the embargo contained in Section 37(1)(b) of the NDPS Act. The prayer for bail is rejected.

4. However, it is submitted on behalf of the Petitioner that he is inside custody since 20.11.2019 and despite the direction of this Court dated 02.12.2020 in the earlier bail application, i.e. BLAPL No.10607 of 2019 to complete the trial by end of August, 2021, only five witnesses could be examined till date and the trial is yet to complete.

5. Thus considering long period of detention of the Petitioner inside custody and slow progress in trial, it is directed to release the Petitioner on interim bail for a period of three months from the date of his release in connection with R. Udayagiri P.S. Case No.125/2019 corresponding to G.R. Case No.68/2019 on such terms and conditions to be fixed by learned Special Judge, Gajapati, Parlakhemundi as he deems just and proper including the condition that the Petitioner shall furnish two sureties (with proper identity proof) out of which one shall be his relative and that, he shall not be involved in any other offence while on bail and shall attend the trial court on each date fixed.

6. It is made clear that the Petitioner shall surrender in the trial court on or before 16th August, 2022, failing which learned trial court shall take appropriate steps including issuance of NBW of arrest to apprehend him.

7. The BLAPL is disposed of.

8. An urgent certified copy of this order be granted on proper application.

(B.P. Routray)
Judge