

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1637 of 2022

Nanhak Ray

.... Petitioner

Mr. S.K. Mohanty, Advocate

-versus-

State of Odisha

.... Opposite Party

Ms. S. Mishra, A.S.C.

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

12.04.2022

Order No.

01.

1. This is an application under Sec.439 Cr.P.C. for bail and the offence alleged is under Sec.20(b)(ii)(C) of the NDPS Act for alleged possession of contraband ganja weighing 45 kg.

2. Heard Mr. S.K. Mohanty, learned counsel for the Petitioner as well as Ms. S. Mishra, 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 22.7.2019 and despite the direction of this Court dated 08.02.2021 in the earlier bail application, i.e. BLAPL No.1472 of 2020 to complete the trial by end of September, 2021, only one witness has been examined till date.

5. Thus considering long period of 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 in connection with Hinjili P.S. Case No.184/2019 corresponding to G.R. Case No.30/2019 (N) on such terms and conditions to be fixed by learned Addl. Sessions Judge-cum-Special Judge, Chhatrapur, Ganjam 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 18th July, 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