

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1646 of 2022

Sachin Kumar and another *Petitioners*
Mr. S. Mohanty (1), Advocate
-versus-
State of Odisha *Opposite Party*
Mr. B. Panigrahi, A.S.C.

**CORAM:
JUSTICE B. P. ROUTRAY**

**ORDER
27.07.2022**

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)/25/29 of the NDPS Act for alleged possession of contraband ganja weighing 442 kg.
2. Heard Mr. S. Mohanty (1), learned counsel for the Petitioners as well as Mr. B. Panigrahi, learned A.S.C. for the State-Opposite Party.
3. After hearing Mr. B. Panigrahi, learned Additional Standing Counsel for the State-Opposite Party, I am not inclined to release the Petitioners 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 Petitioners that they are inside custody since 12.03.2019 and the trial is yet to complete where only one witness has been examined.
5. Thus considering long period of detention of the Petitioners inside custody and slow progress in trial, it is directed to release the Petitioners on interim bail for a period of three months from

the date of their release in connection with Baipariguda P.S. Case No.34/2019 corresponding to T.R. Case No.12/2019 on such terms and conditions to be fixed by learned Sessions Judge-cum-Special Judge, Koraput as he deems just and proper including the condition that the Petitioners shall furnish two sureties (with proper identity proof) out of which one shall be their relative respectively and that, they 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 Petitioners shall surrender in the trial court on or before 2nd November, 2022, failing which learned trial court shall take appropriate steps including issuance of NBW of arrest to apprehend them.

7. The BLAPL is disposed of.

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

(**B.P. Routray**)
Judge