

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 2240 OF 2018

Dasharath Badhei

..... Petitioner
Mr. Sarat Kumar Jena, Adv.

-versus-

State of Odisha

..... Opposite Party
Mr. D. Mund, AGA

CORAM:
JUSTICE V. NARASINGH

ORDER
18.04.2022

Order No.

12.

1. This matter is taken up through Hybrid Mode.
2. The petitioner is an accused in connection with C.T. Case No. 117 of 2017 on the file of the Learned District & Sessions Judge, Bargarh, arising out of Bhatli Excise P.R. No. 43 of 2017-18, for commission of alleged offence under Sections-20(b)(ii)(C) of N.D.P.C., Act.
3. Being aggrieved by the order dtd. 26.05.2021 passed by the Learned Sessions Judge, Baragarh in C.T. Case No. 117 of 2017, rejecting the bail application of the petitioner, the present BLAPL has been filed.
4. Heard Mr. S.K. Jena, learned counsel for the petitioner and Mr. D.Mund, learned Additional Government Advocate for the State.

5. Perused the reports submitted by the learned District & Sessions Judge, Bargarh indicating that, out of eight charge-sheeted witnesses five witnesses have been examined, out of which four are independent witnesses and one is an official witness.

6. Learned counsel for the petitioner places on record, the evidence of P.Ws. 1 to 4 who have not supported the prosecution.

7. Learned counsel for the State on the basis of the recitals of the Case Diary submits that, directing the release of the petitioner at this stage will impede the ongoing trial and in view of the Bar contained Under Section 37 of the NDPS Act, it is not open for the Court to assess the evidence at this stage.

8. On consideration of materials on record and taking into account submission of learned counsel for the parties, this Court directs the petitioner to be released on bail, on such terms to be fixed by the learned Court in seisin over the matter with the additional stipulation that the petitioner shall appear in person before the jurisdictional Police Station once every 10 days. First date of appearance to be fixed by the learned Court in seisin over the matter.

9. The Bail Application thus stands disposed of.

10. Urgent certified copy of this order be granted as per rule.

(*V.Narasingh*)
Judge