

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 1953 of 2022

Ramakanta Prasad

.....

Petitioner
Mr. S.R. Pati, Adv.

Vs.

State of Odisha

.....

Opposite Party
Mr. S.S. Pradhan, A.G.A.

CORAM:
JUSTICE SAVITRI RATHO

ORDER
21.07.2022

Order No.
02.

This matter is taken up through hybrid mode.

2. Heard Mr. S.R. Pati, learned counsel for the petitioner and Mr. S.S. Pradhan, learned Addl. Govt. Advocate for the State.

3. This is an application under Section 439 of Cr.P.C. for grant of bail to the petitioner-Ramakanta Prasad in connection with Ulunda P.S. Case No.27 of 2017 corresponding to Special G.R. Case No.14 of 2017 pending in the Court of learned Sessions Judge-cum-Special Judge, Sonapur where trial has commenced against the petitioner and co-accused Pradeep Kumar for commission of offences punishable under Section 20(b)(ii)(C) the N.D.P.S. Act.

4. This is the second journey of the petitioner under Section 439 of Cr.P.C. to this Court for bail. His earlier application BLAPL No.11108 of 2019 had been dismissed on 25.10.2021.

5. Mr. Pati, learned counsel for the petitioner submits that the petitioner is in custody since 26.03.2017 and considering

the slow progress in trial, the co-accused Pradeep Kumar has been granted interim bail for a period of three months by order dated 26.11.2021 passed in BLAPL No.10737 of 2019.

6. On the last date i.e. 13.07.2022, a report had been called for from the learned trial Court regarding status of the case and if the co-accused has surrendered within the time fixed by this Court. Report dated 15.07.2022 has been received from the learned Special Judge -cum- Sessions Judge, Sonapur which reveals that charge has been framed in the case on 16.11.2018 against the petitioner and the co-accused Pradeep Kumar and two out of fourteen charge sheet witnesses have been examined and the co-accused had been released on interim bail on 14.12.2021 and directed to surrender before that Court on 11.03.2022. But he did not appear on 11.03.2022, for which NBW of arrest has been issued against him for violating the conditions imposed by this Court. Thereafter, the case has been split up against him and one more witness has been examined in the trial and steps have been taken for early disposal of the case.

7. Although the petitioner is in custody since more than five years, in view of the quantity of ganja seized and the bar under Section 37 of the N.D.P.S. Act, I am not inclined to release the petitioner on bail. In view of the fact that the co-accused who had been released on interim bail, has not surrendered in time, I do not think it proper to release the petitioner on interim bail at this stage.

8. The learned trial Court has submitted that necessary steps have been taken for early disposal of the case. But taking

into account the period of detention of the petitioner in judicial custody, I request the learned Sessions Judge-cum-Special Judge, Sonapur in Special G.R. Case No.14 of 2017 to endeavour to conclude the trial within a period of six months from the date of receipt of the order of this Court.

09. With the aforesaid observation, the BLAPL is disposed of.

10. Let a copy of this order be communicated to the learned trial Court.

11. Urgent certified copy of this order be granted on proper application.

Sukanta

