

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.2089 of 2022

Prahlada Behera @ Prahallad Behera

@ Lutu

....

Petitioner

Mr. J. Sahoo, Sr. Advocate assisted by Mr. B. Nayak, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. B. Panigrahi, Additional Standing Counsel

CORAM:

SHRI JUSTICE B. P. ROUTRAY

ORDER

5.8.2022

Order No.

- 05.
1. The matter is taken up through hybrid mode.
 2. Heard Mr. J. Sahoo, learned senior counsel for the Petitioner and Mr. B. Panigrahi, learned Additional Standing Counsel.
 3. This is an application under Section 439 Cr.P.C. for grant of bail to the Petitioner Prahlada Behera @ Prahallad Behera @ Lutu in connection with Badamba P.S. Case No.171 of 2021 corresponding to Special Case No.4 of 2021 pending in the court of learned Special Judge, Athagarh for alleged commission of offence under Sections 20(b)(ii)(c)/29 of N.D.P.S. Act for alleged possession of contraband ganja weighing about 151.9 kg.
 4. It is submitted on behalf of the Petitioner that he is inside custody since 28th July, 2021 and in the meantime trial has not yet commenced.

5. Upon hearing Mr. Panigrahi, learned Additional Standing Counsel for State and keeping in view the total quantity of contraband ganja which attracts commercial quantity and the embargo contained under Section 37(1)(b) of NDPS Act, I am not inclined to release the Petitioner on bail. Accordingly, his prayer for bail is rejected.

6. However, considering the period of detention of the Petitioner inside custody and the fact that the trial has not commenced yet, it is directed to release the Petitioner on interim bail for a period of three months from the date of his release on such terms and conditions as may be deemed just and proper by the learned court in seisin over the matter including the conditions that the Petitioner shall furnish two sureties each (with proper identity proof) out of whom one shall be his relative and that, he shall not be involved in any other offence while on bail.

7. It is made clear that the Petitioner shall surrender on or before 9th November, 2022, failing which learned court below shall take all appropriate steps including issuance of NBW of Arrest to apprehend the Petitioner.

8. The BLAPL is accordingly disposed of.

9. An urgent certified copy of this order be issued as per rules.

(B.P. Routray)
Judge